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LEGISLATIVE DEPARTMENT.

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THE ASSAM LABOUR AND EMIGRATION ACT, 1882;

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AS MODIFIED UP TO THE 1ST MAY, 1893.

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STATEMENT OF REPEALS AND AMENDMENTS.

REPEALED IN PART	XII OF 1891.
REPEALED IN PART AND AMENDED	VII OF 1893.

The following changes have been made in re-printing the Act :—

(1) repealed matter has been omitted, explanatory notes being inserted ;

(2) amendments made by later enactments have been inserted in their proper places, with explanatory foot-notes ;

(3) some further foot-notes have been added for convenience of reference ;

(4) section numbers occurring in the text have been printed in figures instead of in words ;

(5) the number and year of Acts referred to in the text have been noted in the inner margin, except where both appear in the text ;

(6) the headings to the pages have been amplified.

THE ASSAM LABOUR AND EMIGRATION ACT, 1882.

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BENGAL SECRETARIAT LIBRARY

ACT No. 1 OF 1882.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th January, 1882.)

An Act to amend the law relating to Emigration to the Labour-districts of *Bengal*[ ] *and* Assam.

[As modified up to the 1st May, 1893.]

Preamble.

WHEREAS it is expedient to amend the law relating to the emigration of natives of India to the districts of *Chittagong*, *the Chittagong Hill Tracts*,[a] Lakhimpur, Sibsagar, Naugong, Darrang, Kamrup, Goalpara, *Khasi Hills*,[a] Cachar and Sylhet; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

[b]1. This Act may be called the Assam Labour and Emigration Act, 1882.

Local extent.

It extends—

(*a*) to the territories respectively administered by the Lieutenant-Governors of Bengal[c] and the North-Western Provinces and the Chief Commissioners of Oudh, the Central Provinces, and Assam, and to the district of Ganjam; and

(*b*) to such other portions of the territories administered by the Governor of Fort St. George in Council as the Governor in Council, with the previous sanction of the Governor General in Council, may, by notification

[a] The districts of Chittagong, the Chittagong Hill Tracts and the Khasi Hills are not now labour-districts—see s. 3, *infra*.

[b] This section was substituted for the original s. 1 by Act VII of 1893, s. 2.

[c] Act I of 1882 has been declared in force in the Sonthal Parganas—see Regulation III of 1872, s. 3, as amended by the Sonthal Parganas Laws Regulation, III of 1886, s. 2, (Bengal Code, Vol. I, Ed. 1889, p. 597).

notification in the Fort St. George Gazette, from time to time, direct.

Commencement.

It shall come into force—

(*i*) in the territories mentioned in clause (*a*) of this section at once; and

(*ii*) in any territories to which it may be extended by a notification under clause (*b*) of this section on such day as may be specified in that behalf in such notification.

2. [*Repeal of enactments.*] *Repealed by Act XII of 1891.*

Saving-clause.

All contracts entered into, rules and appointments made, orders and notifications published and licenses granted under[a] Bengal Act No. VII of 1873,[b] or any of the Acts thereby repealed, and now in force, shall be deemed to have been respectively entered into, made, published and granted under this Act.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

The expression "the labour-districts" means the districts of[c] Lakhimpur, Sibsagar, Naugong, Darrang, Kamrup, Goalpara,[c] Cachar and Sylhet; and the expression "a labour-district" means any one of such districts:

"Magistrate" means a Magistrate of a district, Sub-divisional Magistrate, and any other person appointed, by name or by virtue of his office, by the Local Government to perform the functions of a Magistrate under this Act:

"Superintendent," "Registering-officer," "Inspector" and "Assistant Inspector" mean respectively a Superintendent of Emigration, a Registering-officer, an Inspector of Labourers, and an Assistant Inspector of Labourers appointed under this Act:

"contractor,"

---

[a] Words repealed by Act XII of 1891 are omitted.
[b] Bengal Act VII of 1873 was repealed by this section.
[c] Words repealed by Act VII of 1893, s. 3 (*1*) are omitted.

"contractor," "sub-contractor," "recruiter" and "local agent" mean respectively a contractor, a sub-contractor, a recruiter, and a local agent licensed under this Act:

"labour contract" means a contract entered into in accordance with the provisions of this Act to labour for hire in a labour-district, otherwise than as a domestic servant:

"labourer" means any person bound by a contract under the provisions of the said Bengal Act No. VII of 1873[a] or by a labour-contract under the provisions of this Act. And it also includes any person registered under section 32 or section 66 as a labourer:

"estate" means the land upon which any labourers or more than fifty other persons have been engaged to labour:

"employer" means the chief person for the time being in charge of any estate upon which labourers or more than fifty other persons are employed:

"emigrate" denotes the departure of any native of India of the age of sixteen years or upwards (other than a native of a labour-district) from any part of the territories administered by the Lieutenant Governor of Bengal, [b] or from the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the [c]Chief Commissioners of Oudh and the Central Provinces, or from any portion of the territories administered by the Governor of Fort St. George in Council in which this Act may, for the time being, be in force,[c] for the purpose of labouring for hire in a labour-district otherwise than as a domestic servant:

"dependent" includes[d] any woman (not being

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[a] Bengal Act VII of 1873 was repealed by s 2 of this Act.

[b] Words repealed by Act VII of 1893, s 3 (2), are omitted.

[c-c] These words were substituted for the original words by Act VII of 1893, s 3 (2).

[d] "Includes" was substituted for "means" by Act VII of 1893, s 3 (2)

being a labourer), any child and any aged or incapacitated relative or friend accompanying any labourer with the consent of a contractor, sub-contractor, recruiter, local agent or garden-sardar:

"vessel" includes anything made for the conveyance by water of human beings or property:

"master" means the person for the time being in charge of a vessel:

"writing" and "written" include "printing" and "lithography".

Words to be understood as defined in Contract Act.

And all words defined in the Indian Contract Act, 1872, [a] and used in this Act, shall have the meanings respectively assigned to them by that Act. IX of 1872.

Power to exempt labour-district.

4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that any labour-district [b]or specified area thereof[b] within the territories administered by such Government shall, from a day specified in such notification, cease to be subject to all the provisions or any specified provision of this Act; and from such day such labour-district [c] or area[c] shall cease to be subject to the provisions of this Act or to the provision so specified, as the case may be.

Local Government may prohibit emigration to any labour-district or part thereof.

5. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, prohibit, from a day specified in such notification, all natives of India, or any specified class of such natives, from emigrating from the whole or any specified part of the territories under its administration to any labour-district or to any specified portion of any such district.

The

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 319. A revised edition of the Act, as modified up to date, is under preparation in the Legislative Department.

[b-b, c-c] These words were inserted by Act VII of 1893, s. 4.

The Local Government may with the like sanction in like manner vary or cancel any such notification.

Notification under sections 4 and 5 not to affect prior acts, etc.

6. The publication of a notification under section 4 or section 5 shall not affect any act done, offence committed or proceedings commenced before such publication.

Saving of free migration and of ordinary contract law.

7. Save as provided by section 5, nothing in this Act shall be deemed to prohibit any native of India from emigrating to, or entering into a contract to labour in, a labour-district otherwise than under the provisions of this Act.

Appointment of officers.

8. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Superintendents of Emigration, Registering-officers, Embarkation Agents, Debarkation Agents, Inspectors of Labourers, Assistant Inspectors of Labourers and Medical Inspectors, under this Act respectively, and, with respect to any such officer, may, subject to the control of the Governor General in Council, declare the local area situate in the territories subject to its administration within which he shall exercise the powers and perform the duties conferred and imposed upon him by this Act or any rule made hereunder.

The Local Government may suspend or remove any persons whom it so appoints.

Every person so appointed shall be deemed a public servant within the meaning of the Indian Penal Code.[a]

XLV of 1860.

CHAPTER II.

LABOUR-CONTRACTS GENERALLY.

Essential of labour-contract.

9. Every labour-contract shall be in writing, and shall

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

shall be executed in duplicate on substantial paper. Every such contract shall specify—

(*a*) the names of the labourer and his employer;

(*b*) the term for which the labourer is to labour;

(*c*) his monthly wages in money and the price at which rice is to be supplied to him;

(*d*) the labour-district in which, and, if the labourer so request, the estate on which, he is to labour.

Every such contract shall be in the form prescribed in the schedule hereto annexed.

[a] No such contract shall be made for a term exceeding four years or, if the contract is entered into under the provisions of section 111 of this Act, for a term exceeding one year, commencing from the date of its execution; or shall stipulate for a less rate of monthly wages for a completed daily task regulated in accordance with the provisions of this Act than five rupees in the case of a man and four rupees in the case of a woman for the first three years of the term of the contract, and six rupees in the case of a man and five rupees in the case of a woman for the fourth year of such term.[a]

No contract made in contravention of, or not in accordance with, the provisions of this section shall be enforceable under this Act as a labour-contract against the labourer entering into it.

In absence of specific obligation, underground labour not obligatory.

[b] **9A.** Unless the contract contains a specific obligation to this effect, no labourer shall be bound by any labour-contract entered into under this Act to undertake any work involving underground labour in mines.

10. Unless

[a-a] This paragraph was substituted for the original paragraph by Act VII of 1893, s. 5.

[b] S. 9A was inserted by Act VII of 1893, s. 6.

10. Unless the labour-contract specifies the particular estate on which the labourer is to labour, the labourer shall be deemed to have contracted to labour on any estate in charge of the employer for whom he has contracted to labour, and situate in the labour-district specified in the contract:

If contract does not specify estate, labourer to be deemed to have contracted to labour on any estate in charge of employer and situate in labour-district.

Provided that no labourer shall, without his own consent, be separated from his dependents (if any) or from any other labourer who is the wife, husband, son or daughter of such labourer.

11. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, [a] it shall be lawful for any person of the age of sixteen years or upwards to enter into a labour-contract.

IX of 1872.

Persons of sixteen years of age may contract to emigrate.

[b] **11A.** If the Local Government, after such enquiry as it thinks sufficient, is of opinion that any labourer was recruited or conveyed to a labour-district, or compelled or induced to enter into a labour-contract, by any coercion, undue influence, fraud or misrepresentation, or that any such irregularity has occurred in connection with his recruitment or the execution of his contract as makes it just to rescind his contract, the Local Government may, by an order in writing, direct the labour-contract of such labourer to be cancelled.

Power of Local Government to cancel contract for wrongful recruitment.

On receipt of any such order by the Local Government, the Superintendent, Inspector or Magistrate shall cancel the contract referred to, and shall thereupon make an endorsement that it has been so cancelled on the labourer's copy of the contract, or, if the same be not forthcoming, shall give to the labourer a certificate to that effect.

[b] **11B.** When the labour-contract of any labourer is or has been cancelled under the last foregoing section, the Local Government may, at its discretion and on the application of the labourer concerned,

Power to cancel contract of labourer related to labourer.

[a] Printed, General Acts, 1867-76, Ed. 1887, p. 319. A revised edition of the Act, as modified up to date, is under preparation in the Legislative epartment.

[b] Ss. 11A to 11D were inserted by Act VII of 1893, s. 7.

whose contract is cancelled.

concerned, cancel the labour-contracts of any labourers, being the wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been cancelled, who may have entered into a labour-contract at the same place with the same employer or, in the case of labour-contracts cancelled in the labour-districts, may be employed on any estate belonging to the same employer.

Repatriation of labourers whose contracts cancelled for wrongful recruitment.

[a] **11C.** Subject to any orders which the Local Government may issue in this behalf, the Superintendent, Inspector or Magistrate may send back to his native district any labourer, together with his dependents (if any) whose contract has been cancelled under section 11A, and may recover the whole or any part of the expenses incurred in so sending him back as follows, namely :—

(*a*) when the contract has been cancelled before the labourer has reached the labour-districts, in accordance with the provisions of section 49 or section 79, as the case may be, as if it were a sum recoverable under one of those sections;

(*b*) when the contract has been cancelled in a labour-district, from the employer on whose estate the labourer was under contract to labour, as if it were an arrear of wages.

Escort for repatriated labourer.

[a] **11D.** In any case in which a labourer is sent back to his native district under the provisions of the last foregoing section, the Superintendent, Inspector or Magistrate may provide an escort or make such other arrangements as may appear to him to be necessary for ensuring that such labourer is actually conveyed to such district. Any expenditure incurred in providing such escort or making such arrangements may be

[a] See foot-note [b] on last preceding page.

be recovered as part of the amount expended in sending such labourer back to his native district.

CHAPTER III.

RECRUITING BY CONTRACTORS, SUB-CONTRACTORS AND RECRUITERS.

A.—Contractors and Sub-contractors

Superintendent may license contractors.

Superintendent may license sub-contractors.

12. Any Superintendent specially empowered in this behalf by the Local Government may grant to such persons as he thinks fit licenses to be contractors within the whole or any part of the local area for which such Superintendent has been appointed. He may also, on the application of any contractor, grant to such persons as he thinks fit licenses to be sub-contractors on behalf of such contractor, within the whole or any part of the local area for which such contractor is licensed.

Form of, and fee for, contractor's and sub-contractor's licences.

13. Every license to a contractor or sub-contractor shall be in such form, and subject to the payment of such fee, not exceeding, in the case of a contractor, one hundred rupees, and, in the case of a sub-contractor, fifty rupees, as the Local Government may by rule prescribe.

Period for which contractor's and sub-contractor's license to remain in force.

14. No such license shall be granted for a longer period than one year from the date thereof, and if the licensee fails to comply with any of the provisions of this Act or the rules made hereunder, or is guilty of any other misconduct, any such license may at any time be cancelled by the Superintendent who granted the same.

Appeal against order cancelling license.

A contractor or sub-contractor may, within one month from the date of any order of a Superintendent cancelling his license, appeal against such order to the Local Government.

The order of the Local Government on such appeal shall be final.

15. Every

Duties of contractors.

15. Every contractor, in addition to the special duties herein assigned to him, shall afford such information to the Superintendent and furnish him with such returns and reports as he may, subject to any rules which may be framed by the Local Government in this behalf, require.

Sub-contractor only to represent one contractor.

[a] **16.** No sub-contractor shall be licensed to act on behalf of more than one contractor.

Contractor or sub-contractor may act as recruiter.

17. A contractor or sub-contractor may act as a recruiter, and shall, when so acting, be subject to all the provisions hereinafter contained relating to recruiters.

Liability of contractors for sub-contractors' and recruiters' acts and defaults

18. Every contractor shall be liable for the acts and defaults as a sub-contractor or recruiter of any person licensed to be a sub-contractor or recruiter on his behalf, and shall be bound to make good all payments which, under this Act or any rule made hereunder, any such person is ordered to make.

The Superintendent may cancel the license of any contractor whenever the license of any person so licensed on his behalf is liable to be cancelled under this Act.

Nothing in this section shall be deemed to render a contractor criminally liable for any act or default on the part of any person licensed to be a sub-contractor or recruiter on his behalf.

Contractor to establish depôts.

19. Every contractor shall establish and maintain, at such places as the Local Government may direct, suitable depôts for the reception and lodging, previous to their despatch to the labour districts, of labourers engaged by him or by sub-contractors or recruiters licensed to act on his behalf, and shall provide at his own expense all necessary food, clothing and medical treatment for such labourersd uring their stay at such depôts.

20. No

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[a] This section was substituted for the original s. 16 by Act VII of 1893, s. 8.

Inspection and supervision of depôts.

20. No such depôt shall be used for the reception and lodging of labourers until it has been inspected and approved of by the Superintendent and the Medical Inspector. Every such depôt shall be under the supervision of the Superintendent, the Magistrate of the district or such other officer as the Local Government may appoint in this behalf, and shall be open at all times to inspection by the Superintendent, the Magistrate of the district or such officer, and by the Medical Inspector.

Whenever the Superintendent considers that any such depôt is unhealthy, or has become unsuitable for the purpose for which it was established, he may by order in writing prohibit the using of such depôt for the reception and lodging of labourers.

Establishment of hospital-depôts.

21. In addition to the depôts hereinbefore provided for, the Local Government may establish a separate hospital-depôt for the reception of labourers suffering from any dangerously infectious or contagious disease.

Contractor to contribute towards establishment and maintenance of hospital-depôt.

22. Whenever any such hospital-depôt is established by any Local Government, such Government may require any contractor having a depôt in the neighbourhood of such hospital-depôt to contribute to the expense of the establishment and maintenance of such hospital-depôt such reasonable sum as it may direct. Such sum may be recovered as an arrear of land-revenue due from any contractor so required.

Every hospital-depôt so established shall be under the charge of a medical officer appointed by the Local Government. Any Medical Inspector may direct the transfer of any labourer from a depôt established within the local limits of his jurisdiction to an hospital-depôt established within such local limits.

B.—Recruiters.

Superintendent may license recruiters.

23. Any Superintendent empowered in this behalf by the Local Government may, on the application of any

any contractor or of any sub-contractor acting on behalf of a contractor, grant to such persons as he thinks fit licenses to be recruiters on behalf of such contractor within the whole or any specified part of the local area for which such contractor has been licensed.

Form of, and fee for, recruiter's license.

24. Every license to a recruiter shall be in such form and subject to the payment of such fee, not exceeding sixteen rupees, as the Local Government may by rule prescribe.

Period for which license is granted.

25. No such license shall be granted for a longer period than one year from the date thereof; and if the licensee fails to comply with any of the provisions of this Act or the rules made hereunder, or is guilty of any other misconduct, any such license may be cancelled by the Superintendent who granted the same.

Recruiter must hold a certificate.

26. Every recruiter shall hold a certificate in writing authorizing him to act as such and signed by the contractor or sub-contractor on whose application he was licensed.

Countersignature of recruiter's license.

27. No recruiter shall in any local area engage or attempt to engage any person as a labourer unless such recruiter's license bears the countersignature of a Magistrate having jurisdiction throughout such local area.

No such Magistrate shall countersign a recruiter's license unless and until he has satisfied himself by such enquiry as he thinks fit that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act, that he holds the certificate mentioned in section 26, and that sufficient and proper accommodation has been provided in a suitable place and is available for such labourers, or persons intending to become labourers, as may be collected by such recruiter pending their removal to a depôt.

Magistrate to supervise

28. Every Magistrate shall have, for the supervision, inspection and regulation of the place situate within

within the local limits of his jurisdiction where such accommodation is provided, the same powers as are by this Act conferred on the Superintendent in respect of depôts.

accommodation

Any Magistrate of a district or division of a district may authorize any Magistrate subordinate to him, or any officer of police above the rank of sub-inspector, to visit and inspect such place at any time; and all recruiters or other persons in charge of such place shall afford to subordinate Magistrates and officers of police so authorized every facility for making such visits and inspections.

Magistrate may cancel countersignature in certain cases.

29. If any Magistrate who has countersigned a recruiter's license afterwards finds reason to think that the licensee is by character or from any other cause unfitted to be a recruiter under this Act, or that the accommodation provided under section 27 has become insufficient or improper or has ceased to be available, or that the place in which it is provided has become unsuitable, he may require the licensee to produce his license and may cancel his countersignature thereon, or he may impound the license and send it for cancellation to the Superintendent who granted the same.

Notice to Superintendent of refusal to countersign or cancellation.

Every Magistrate refusing to countersign a recruiter's license or cancelling his countersignature thereon shall at once report such refusal or cancellation and the grounds thereof to the Superintendent who granted such license.

C.—Procedure before arrival at Depôt.

Intending labourer to be taken for examination to medical officer.

30. Every recruiter who desires to engage any person as a labourer shall appear with such person before such medical officer as the Local Government may appoint to examine such persons within the local limits of the jurisdiction of the Magistrate by whom such recruiter's license was countersigned, or, if no

such

such officer has been appointed, before such medical officer as the Registering officer, before whom such person is taken for registration as hereinafter provided, may direct.

The medical officer shall thereupon examine such person, and shall, if satisfied that he is in a fit state of health and able in point of physical condition to proceed to the labour-district in which he intends to labour, give him a certificate to that effect.

If certified to be fit, intending labourer to be brought before Registering-officer.

31. Every person who obtains a certificate under section 30, together with any persons about to proceed to a labour-district as his dependents, shall thereupon be brought by the recruiter before the Registering-officer having jurisdiction within the local area for which such recruiter is licensed. The recruiter shall at the same time produce and show his license to such Registering-officer.

Intending labourer to be examined by Registering-officer.

32. The Registering-officer shall thereupon inspect the certificate given under section 30, and the license of the recruiter, and, if he finds that such certificate has been duly given and that the recruiter is duly licensed, shall then examine such person, with reference to his intended labour-contract, and explain the same to him.

Intending labourer to be registered.

If it appears that such person is competent to enter into such contract, and understands the same as regards the locality, period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereinto by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to fulfil the same, the Registering officer shall register in a book to be kept for the purpose such particulars regarding him and the persons (if any) whom he wishes to have registered as his dependents as the Local Government may by rule prescribe; and the labourer and his dependents (if any) shall

shall thereupon be deemed to be registered under this Act.

33. The Registering-officer shall furnish to the person so registered a certified copy of such particulars written on substantial paper

Copy of registration to be given to labourer.

34. Every officer registering any person under section 32 shall forthwith forward a certified copy of such particulars and the original certificate of the medical officer regarding him to the Superintendent having jurisdiction over the depôt to which such person is to proceed.

Copy of registration and medical certificate to be sent to Superintendent.

35. For every such person produced before a Registering-officer for the purpose of being registered as a labourer, the recruiter shall pay to the officer such fee not exceeding one rupee as the Local Government may by rule direct.

Fee for registration.

36. No recruiter shall remove or attempt to remove any person to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Registering-officer before whom such person ought to be brought under section 31, or aid or attempt to aid him in going to a depôt, or leaving any such local limits, unless and until such person has been registered under section 32.

Recruiter when to remove person to depot.

37. Every labourer shall, after he has been registered under section 32, be conveyed with all convenient despatch by the recruiter by whom he has been engaged to the depôt established by the contractor on whose behalf such recruiter has been licensed.

Conveyance of labourer to depot.

All labourers shall, while proceeding to the depôt, be accompanied throughout the journey either by the recruiter himself, or by a competent person deputed by him with the approval of the Registering-officer by whom such labourers have been registered. The Registering-officer shall give to the person so deputed a certificate under his signature, stating that he has been deputed for the journey to the depôt.

Recruiter to accompany labourer or depute person approved by Registering-officer.

38. Every

Recruiter must provide food and lodging for labourer journey

38. Every recruiter or person deputed by him as aforesaid shall, throughout the journey to the depôt, provide such labourer and his dependents (if any) with proper and sufficient food and lodging.

D.—Procedure at Contractors' Depôts.

Contractor to report arrival of labourer.

39. Within twenty-four hours after a labourer arrives at a depôt, the contractor by whom such depôt is maintained, or the person in charge thereof, shall give to the Superintendent, within the local limits of whose jurisdiction such depôt is situate, a notice in writing of such arrival, which notice shall be in such form, and shall contain such particulars, as the Local Government may by rule prescribe.

Duties of Medical Inspector.

40. The Medical Inspector shall, as soon as may be after the labourer arrives at the depôt, examine such labourer and his dependents (if any) to ascertain that they are in a fit state of health to undertake the journey to the labour-district to which they intend to proceed.

The Medical Inspector shall give a certificate to the Superintendent stating whether he is or is not satisfied of the fitness of the labourer and his dependents (if any) to undertake such journey.

If certificate of fitness granted, labourer to enter into labour-contract.

41. If the Medical Inspector gives a certificate of fitness under section 40 with respect to any labourer, and in the opinion of the Superintendent there is no valid reason why such labourer should not enter into a labour-contract, such labourer and the employer with whom he intends to contract, or the agent of such employer, shall, within thirty days after the arrival of the labourer at the depôt, execute a labour-contract in the presence of the Superintendent

Contract to be explained to labourer by Superintendent.

42. Before the labourer executes such contract, the Superintendent shall personally explain it to him, and shall, after the same has been executed by such labourer and his employer, or the agent of such employer, attest such contract and certify at the foot thereof

thereof that he has personally explained the same to the labourer.

An abstract of every such contract shall be entered in a register to be kept by the Superintendent for the purpose; and, after such abstract has been so entered, one copy of the contract shall be given to the labourer and the other to his employer or his employer's agent.

Abstract to be made of contract, and copies of contract given to labourer and employer.

[a]42A. If the employer with whom any labourer intends to contract or the agent of such employer has given notice to the Superintendent that, before any labour-contract is entered into by him or on his behalf with any labourer, the labourer shall be examined by a competent medical man and certified by him to be in a fit state of health and able in point of physical condition to reside and labour for hire in the labour-district in which the estate of such employer is situate, the Superintendent shall not permit such labourer to execute a labour-contract until such certificate from such medical man as aforesaid has been produced and shown to him.

Employer may require medical certificate as to fitness to labour previous to contract.

[a]42B. If the employer or his agent has directed that such examination shall be made by any medical officer in the service of Government, such officer making the examination shall be entitled to receive from such employer or his agent such a fee not exceeding eight annas for each labourer so examined as the Local Government may fix.

Medical officer entitled to fee.

43. In the following cases (namely) :—

(*a*) where the Medical Inspector, on making the examination required by section 40, or at any subsequent time during the stay at the depôt of any labourer, finds that such labourer is or has become unfit to undertake the journey to the labour-district to

Power to cancel contract and order payment of expenses home of labourer in certain cases.

[a] Sections 42A and 42B were inserted by Act VII of 1893, s. 9.

to which he intends to proceed, and the Superintendent considers that such labourer has not dishonestly represented himself as fit to undertake such journey, or

(*b*) where the Superintendent finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of any such labourer as makes it just to refuse to permit a labour-contract to be executed or to rescind such contract if executed, or

(*c*) where the contractor on whose behalf or by whom the labourer has been registered does not within thirty days after the arrival of such labourer at the depôt tender to him a labour-contract for execution under section 41, or the employer or his agent refuses or neglects to execute such contract as required by that section,

the Superintendent may cancel the labour-contract executed by such labourer, and in that case, or if no labour-contract has been executed, may order the contractor at once to pay such labourer such reasonable sum as is necessary to enable him to return to the place at which he was registered, and such further sum by way of compensation as the Superintendent thinks reasonable; and may take any other steps he thinks necessary for the conveyance of such labourer to such place.

Labourer when to be lodged, etc., at depôt till he can return home.

44. Any labourer who from his state of health is, in the opinion of the Medical Inspector, unfit to undertake such return journey shall be entitled to be fed, lodged, clothed and (if necessary) medically treated at the depôt at the expense of the contractor by whom such depôt is maintained, until he is reported by the Medical Inspector to be fit to undertake such return journey.

Contractor omitting to provide food

If such contractor negligently or wilfully omits to provide food, lodging, clothing or medical treatment for such labourer, the Superintendent may order the

the contractor at once to pay such reasonable sum as is necessary to provide such food, lodging, clothing or medical treatment.

etc., for labourer

45. When an order is made under section 43 with reference to any labourer, any person registered as his dependent, or any labourer, being the wife, husband, son or daughter of such labourer, may claim—

Like provisions in case of dependents and relatives.

(*a*) to be conveyed at the expense of the contractor with such labourer to the place at which he was registered; and

(*b*) if such labourer is unable to travel, to be fed, lodged, clothed and (if necessary) medically treated in the depôt at the expense of the contractor until such labourer is able to travel;

and the Superintendent may include such expenses in an order made under section 43 or section 44 with respect to such labourer.

46. If, upon the arrival of any labourer at a depôt, it appears that during the journey to the depôt such labourer or any person registered as his dependent has suffered any ill-treatment at the hands of the recruiter or person deputed by him to accompany such labourer, or that such recruiter or such person has failed to provide the labourer or any person registered as his dependent with proper and sufficient food and lodging, the Superintendent may order the contractor by whom such depôt is maintained to pay such labourer a reasonable sum by way of compensation.

Compensation to labourer for ill-treatment on the journey

47. If the Medical Inspector has reason to think that any person registered as the dependent of a labourer is not in a fit state of health to undertake the journey to the labour-district to which the labourer, whose dependent he is, intends to proceed, the Medical Inspector shall so certify to the Superintendent to whom notice of the arrival of such labourer

Procedure when dependent declared unfit to proceed to labour-district.

was

was given. The provisions of sections 43 and 44 shall thereupon apply to such dependent as if he were a labourer, and the Superintendent may make such orders regarding him as he may make under those sections with regard to a labourer.

Labourer and relatives entitled to be returned with dependent.

48. The labourer to whom such dependent is attached shall thereupon be entitled, if he or she so wishes, and if he or she be the husband, wife, son or daughter of such dependent, to receive from the contractor at whose depôt he or she arrived such reasonable sum as is necessary to enable him or her to return to the place where he or she was registered. If such labourer so return, then any other persons registered as his or her dependents, and any other labourer being the wife, husband, son or daughter of such labourer, shall also be entitled to receive a like sum from such contractor.

Failure of contractor to pay sums ordered to be paid under section 43, 44, 45, 46, 47 or 48

49. On failure of the contractor for twenty-four hours to comply with an order of the Superintendent to pay any sum ordered to be paid under section 43, section 44, section 45, section 46, section 47 or section 48, the Superintendent may pay the same to or on behalf of the labourer or dependent.

Every sum so paid shall be recoverable from the contractor with interest thereon at the rate of twelve per cent. per annum from the date of payment.

No further proof shall be required by any Court in any such case than that the Superintendent gave the contractor an order to pay such sum, and that the contractor for twenty-four hours failed to comply with such order.

Provisions for way-bill.

50. All labourers despatched from a contractor's depôt to a labour-district shall during their journey be accompanied by a person appointed by such contractor. Such person shall take with him a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe.

He

He shall also present such way-bill at all such places and to all such officers as may be thereupon indicated; and shall carry out all instructions contained therein for his guidance.

CHAPTER IV.

RECRUITING BY GARDEN-SARDARS AND LOCAL AGENTS.

A.—Garden-sardars.

Employer may grant certificate to garden-sardar.

51. Any employer may grant to any person a certificate authorizing him, within such local area as may be specified in such certificate, to enter into labour-contracts with persons desirous of becoming labourers upon any estate of which such employer is in charge.

Every person to whom such certificate has been granted is hereinafter called a garden-sardar.

If any labourer is granted a certificate under this section, his employment as a garden-sardar shall be deemed to be employment under his labour-contract.

Form and particulars to be contained in such certificate.

52. Every such certificate shall be in such form and shall contain such particulars as the Local Government of the territories in which it is granted may prescribe in this behalf.

Any employer granting a certificate to a garden-sardar may, before such certificate is accepted and signed as hereinafter provided, specify therein the name of the local agent (if any) to whom such garden-sardar is to report himself for orders, and the time within which he is to return to such employer, and any other instructions for his conduct that he may think proper.

Certificate to be accepted and signed in

53. Every such certificate shall be accepted and signed by the garden-sardar in the presence of the Inspector

presence of Inspector or Magistrate.

Inspector or a Magistrate having jurisdiction over the place where the employer granting such certificate resides.

Inspector or Magistrate to countersign certificate.

54. Such Inspector or Magistrate shall inquire into the facts stated in such certificate; and upon being satisfied of the truth of the statement shall, unless it appears to him that the person so accepting and signing such certificate is by character or from any other cause unfitted to be a garden-sardar, countersign and date such certificate.

Provision for grant of fresh certificate.

55. On the application of the employer by whom any certificate so countersigned has been granted to a garden-sardar, such Inspector or Magistrate may, without requiring the appearance of the garden-sardar or making the inquiry prescribed by section 54, countersign a fresh certificate to be granted by such employer to such garden-sardar in renewal of any existing certificate.

Such fresh certificate to be forwarded to Magistrate of district where garden-sardar is employed, and to be accepted and signed by garden-sardar.

Every such fresh certificate shall be forwarded by the Inspector or Magistrate countersigning it to the Magistrate of the district in which the garden-sardar to whom it is granted is employed; and such sardar shall, on receiving notice from such Magistrate, appear before him and accept and sign such fresh certificate in his presence.

Certificate when to come into force.

56. No certificate granted to a garden-sardar shall come into force unless and until it has been accepted and signed by the garden-sardar and countersigned by the Inspector or Magistrate, and no such certificate shall continue in force for a longer period than one year from the date of its countersignature.

Accommodation to be provided by garden-sardar.

57. Every garden-sardar shall provide sufficient and proper accommodation in a suitable place for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a labour-district.

The

The Magistrate of a district or of a division of a district, or a Magistrate subordinate to him, or an officer of police above the rank of sub-inspector authorized by him in his behalf, shall visit and inspect such accommodation; and all garden-sardars or other persons in charge of such places shall afford to such Magistrate, Subordinate Magistrate or officer of police every facility for making such visits and inspections.

In every such place the garden-sardar providing the accommodation shall make such sanitary arrangements as the Local Government may prescribe.

Certificate may be cancelled in certain cases.

58. Whenever a garden-sardar contravenes any of the provisions of this Act or the rules made hereunder, or is guilty of any other misconduct, any Magistrate, Superintendent or Inspector, within the local limits of whose jurisdiction such garden-sardar is employed, may cancel his certificate.

B.—Local Agents.

Local agents may be licensed.

59. Any Superintendent authorized in this behalf by the Local Government may, on the application of any employer, grant licenses to persons to be local agents for the purpose of representing such employer within such local area and for such period as such employer may desire: Provided that no contractor shall be licensed as a local agent.

Powers and duties of local agents.

60. A local agent may within such local area represent his employer in all matters connected with the engagement of labourers; and shall furnish such information and make such returns as the Local Government may by rule direct.

Local agent may represent more than one employer.

61. The Superintendent authorized as aforesaid may, on the application of any employer other than the employer on whose application a local agent has been licensed, make an order in writing permitting such agent to become the local agent of such additional employer within the local area for which he was licensed. The Superintendent making such order shall forthwith send a copy thereof to the Magistrate of

of the district in which such agent resides; and such Magistrate shall, on the agent's application, insert in his license the name of such additional employer.

Local agent may be specially licensed to contract direct with labourers.

62. Any Superintendent authorized as aforesaid may, with the consent of all the employers of a local agent, grant a special license to such agent, permitting him to engage on behalf of any employer specified in such special license, but without the intervention of a garden-sardar, persons to be labourers.

Every agent when so engaging persons to be labourers may, if he thinks fit, appear with them for registration before a Registering-officer, and require them when so registered to execute a labour-contract, and in such case shall for the purposes of this Act be deemed to be a garden-sardar.

Local agent may prosecute garden-sardar.

63. When any garden-sardar to whom a certificate has been granted under this Act by any employer commits any offence punishable under this Act, any local agent of such employer may prosecute the sardar for such offence.

On what grounds local agent's license may be cancelled.

64. The Magistrate of any district within which a local agent acts as such may by order cancel the license of such local agent if the employer so require, or if it is shown to the satisfaction of such Magistrate that such local agent has—

(*a*) employed any contractor's recruiter to engage on his behalf persons to be labourers; or

(*b*) permitted persons engaged as labourers by or on behalf of any contractor to use the accommodation provided for the persons engaged as labourers by any garden-sardar under such local agent's control; or

(*c*) allowed any garden-sardar under his control to transfer persons engaged as labourers by such sardar to contractors or to their recruiters or to any employer other than the employer by whom such sardar's certificate was granted; or

(*d*) himself

(*d*) himself taken over persons engaged as labourers by any garden-sardar with intent to despatch them to any employer other than the employer by whom such sardar's certificate was granted.

An appeal shall lie to the Local Government from any order made under this section, clause (*a*), (*b*), (*c*) or (*d*). Such appeal must be presented within three months next after the date of the order, and the decision of the Local Government thereon shall be final.

C.—Procedure to be followed by Garden-sardar.

Garden-sardar and labourer to appear before Registering-officer for registration.

65. Every garden-sardar who desires to engage any person as a labourer shall appear with such person, together with any persons about to proceed to a labour-district as dependents of such person, before the Registering-officer having jurisdiction within the local area specified in the certificate of such sardar.

Registration of persons engaged by garden-sardar.

66. The Registering-officer shall thereupon inspect the certificate of the garden-sardar, and, if he finds that such certificate is in force, shall examine, with reference to the intended labour-contract, the person whom the sardar so desires to engage and explain the contract to such person.

If it appears that such person is competent to enter into such contract, and understands the nature of the same, as regards the locality, period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereinto by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to fulfil the same, the Registering-officer shall register in a book to be kept for the purpose such particulars regarding him and his dependents (if any) as the Local Government may by rule prescribe; and the labourer and his dependents (if any) shall thereupon be deemed to be registered under this Act.

67. If

Medical examination.

67. If it appears to such officer that any such person, or any dependent of such person, is not in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, the officer may, before registering any such person or dependent, if himself a medical man, medically examine such person or dependent, or, if not himself a medical man, send such person or dependent to a medical man for such examination. If upon such examination such person or dependent is declared unfit to undertake the journey to such place, the officer may refuse to register such person or dependent.

Fee to be paid for every labourer produced for registration.

68. For every person appearing before a Registering-officer for the purpose of being registered as a labourer, the garden-sardar who appears with him shall pay to the officer such fee not exceeding one rupee as the Local Government may direct.

Labour-contract to be executed.

69. When any person has been registered under section 66 as a labourer he shall, within fifteen days from the day on which he was so registered, execute a labour-contract with the employer with whom he intends to contract. Such contract shall be signed in the presence of the Registering-officer by such person and, on behalf of the employer, by the garden-sardar who appears with such person before such officer. The officer shall satisfy himself that the contract is in accordance with any instructions specified in the certificate of the garden-sardar. If the officer is so satisfied, he shall, before the labourer signs the contract, personally explain it to him, and shall, after the same has been executed as aforesaid, attest such contract and certify at the foot thereof that he has personally explained the same to the labourer.

An abstract of every such contract shall be entered in a register to be kept for the purpose by the Registering-officer, and, of the two copies of the contract, one shall then be given to the labourer and the other to the garden-sardar or the local agent.

If any garden-sardar, without reasonable cause, refuses

refuses or neglects to execute a contract with a labourer as required by this section within fifteen days from the day on which he was so registered, the Registering-officer may order such sardar to pay to the labourer such reasonable compensation, not exceeding twenty rupees, as such officer thinks fit.

Procedure when employer requires medical examination previous to registration.

70. If the employer of a garden-sardar has in the instructions specified in the certificate of the sardar directed that all labourers engaged by him shall before registration be examined by a competent medical man and certified by him to be in a fit state of health to undertake the journey to, and labour in, the labour-districts to which they intend to proceed, no Registering-officer shall register as a labourer any person appearing before him with such sardar until such certificate from such medical officer as aforesaid has been produced and shown to him.

Medical officer entitled to fee.

71. If the employer has in the instructions specified in the certificate of the garden-sardar directed that such examination shall be made by any medical officer in the service of Government, such officer making the examination shall be entitled to receive from the local agent or sardar such a fee not exceeding eight annas for each labourer so examined as the Local Government may fix.

Garden-sardar when to remove labourer to labour-district.

72. Unless and until a person engaged as a labourer has been registered under section 66 no garden-sardar shall remove or attempt to remove him to a labour-district, or induce or attempt to induce him to go to a labour-district, or to leave the local area specified in the certificate of such sardar, or aid or attempt to aid him in proceeding to a labour-district, or in leaving any such local area.

Garden-sardar to accompany labourers or send competent person with them.

73. A garden-sardar shall either himself accompany labourers engaged by him throughout their journey from the place in which the labour-contract was entered into to the labour-district wherein they have contracted to labour, or shall send with them

some

some competent person appointed by him with the approval of the local agent of his employer; or, if his employer has no local agent, with the approval of the officer by whom such labourers were registered.

When the number of labourers (exclusive of dependents) proceeding on their journey to such labour-district is more than twenty, for every twenty labourers so in excess, or for any number of labourers less than twenty so in excess, one additional garden-sardar or person so appointed by him shall accompany the labourers so proceeding.

No restriction on number of persons engaged by garden-sardar.

74. A garden-sardar may, subject to the instructions specified in his certificate, engage any number of persons as labourers; and, subject to the provisions of section 73, any number of labourers may be despatched at the same time to the labour-districts.

In certain cases garden-sardar may be appointed to accompany labourers not engaged by him.

75. Any garden-sardar may, with the previous consent in writing of the local agent of the employer by whom his certificate was granted, or, if such employer has no local agent, with the previous consent in writing of such employer, be appointed under section 73 as a competent person to accompany labourers other than those engaged by him.

Provision for way-bill.

76. Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour-districts shall present to the officer by whom such labourers have been registered a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe. He shall also present such way-bill at all such places and to all such officers as may be thereupon indicated; and shall carry out all instructions contained therein for his guidance.

Garden-sardar must provide food and lodging for labour and dependents on journey.

77. Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour-districts shall provide such labourers and their dependents (if any) with proper and sufficient food and lodging throughout the journey.

78. If

If such not provided, Magistrate may award compensation or cancel contract.

78. If it appears to any Magistrate, on the complaint of any such labourer at any place on the journey, that he or any person registered as his dependent has suffered any ill-treatment during the journey at the hands of the garden-sardar or person appointed by him accompanying such labourer, or that such sardar or person has failed to provide such labourer or any of his dependents with proper and sufficient food and lodging, or has wilfully abandoned such labourer or any of his dependents, such Magistrate may either order the sardar or person so appointed to pay to such labourer a reasonable sum by way of compensation, or may cancel the labour-contract entered into by such labourer and order such sardar or person to pay to such labourer such reasonable sum as is necessary to enable him with his dependents (if any) to return to the place at which he was registered.

Procedure on failure of garden-sardar to comply with order.

79. On failure for twenty-four hours by any garden-sardar or person appointed by him as aforesaid to comply with an order under section 78 to pay any sum, the Magistrate may pay the same to or on behalf of such labourer.

Every sum so paid shall be recoverable from the employer by whom the certificate of such garden-sardar was granted, or from the local agent of such employer, with interest thereon at the rate of twelve per centum per annum from the date of payment.

No further proof shall be required by any Court in any such case than that the Magistrate gave such garden-sardar or person an order to pay such sum and that such garden-sardar or person for twenty-four hours failed to comply with such order.

Medical inspection of labourers *en route.*

80. Any Magistrate or any Embarkation Agent may, if himself a medical man, examine, and, if not himself a medical man, send for examination by a medical man, any labourer or dependent who, while on the journey to the district to which he intends to proceed,

proceed, appears to such Magistrate or Agent not to be in a fit state of health to proceed thereto.

Detention and return of labourer declared when *en route* to be unfit to travel.

81. If such labourer or dependent is on such examination declared not to be in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, the Magistrate or Embarkation Agent may order him to be detained at such place as he thinks fit until the labourer or dependent is in a fit state of health to undertake such journey, when he shall either be forwarded to such district or sent back to the place where he was registered according as the garden-sardar or person appointed by him accompanying such labourer or dependent, or the employer by whom the certificate of such sardar was granted, or his local agent, may direct.

While any labourer or dependent is so detained he shall be entitled to be fed, lodged, clothed, and (if necessary) medically treated at the cost of the employer with whom such labourer or the labourer to whom such dependent is attached has contracted to labour.

Dependents of labourer when to be fed, etc.

82. When an order under section 81 has been made with reference to any labourer, any person registered as his dependent, and any labourer being the wife or husband of such labourer, shall be entitled,—

(*a*) until such labourer is in a fit state of health to undertake such journey, to be fed, lodged, clothed, and (if necessary) medically treated at the place where such labourer is detained, and at the cost of the employer with whom such labourer has contracted to labour, and

(*b*) if such labourer is sent back to the place where he was registered, to be sent back to such place.

Labourer to whom dependent is

Where any such order has been made with reference to any dependent, the labourer to whom he is attached

attached shall thereupon, until such dependent is in a fit state of health to undertake the journey to the labour-district, be entitled, if the labourer so wishes, and, if he or she be the husband, wife, son or daughter of such dependent, to be fed, lodged, clothed, and (if necessary) medically treated at the place where such dependent is detained, and at the cost of the employer with whom such labourer has contracted to labour; and, if such dependent is sent back to the place where he was registered, such labourer shall, if he or she so wishes, and if he or she be the husband, wife, son or daughter of such dependent, be sent back to such place.

attached when to be fed, etc.

If such labourer is entitled and claims to be so fed, lodged, clothed and (if necessary) medically treated, or to be so sent back, any person registered as his or her dependent, and any other labourer being the wife or husband of such labourer, shall be entitled, as the case may be,—

(*a*) to be fed, lodged, clothed and (if necessary) medically treated at the place where such dependent is detained, and at the cost of such employer until such dependent is in a fit state of health to undertake the journey to the labour-district, or

(*b*) to be sent back to the place where he or she was registered.

83. If the garden-sardar or person appointed by him accompanying any labourer or dependent fails to provide such labourer or dependent with food, lodging, clothing and medical treatment, or to send him back as required by section 81 or section 82, the Magistrate or Embarkation Agent may order such sardar or person to pay such sum as is necessary to provide such food, lodging, clothing and medical treatment, or to defray the cost of the return-journey of such labourer or dependent, as the case may be, to the place where he was registered; and, on failure for twenty-four hours of such sardar or person to comply with such order,

Payment of expenses of detention and return-journey of labourer.

order, he may pay the sum specified in the order to or on behalf of such labourer or dependent.

The provisions of section 79 shall, *mutatis mutandis*, apply to the recovery of sums paid by the Magistrate or Embarkation Agent under this section.

Agent in Calcutta may procure order from Superintendent cancelling the labour-contract on payment of expense of return.

84. If any labourer whose labour-contract has been executed by a garden-sardar on behalf of his employer is brought to Calcutta on his way to the district in which he has contracted to labour, any person empowered to act as the agent or representative of such employer may require such labourer to appear before the Superintendent for the cancellation of such contract. If such reasonable sum as is necessary to enable such labourer and his dependents (if any) to return to the place at which he was registered [*]and such further sum (if any) by way of compensation as the Superintendent thinks reasonable[*] be paid to such labourer in his presence, the Superintendent may declare the contract cancelled, and in that case shall make an endorsement to that effect on the labourer's copy of the contract, and attest it with his signature.

In that case, contracts of relatives to be cancelled.

85. When the Superintendent declares the labour-contract of any labourer to be cancelled, any other labourer who is the wife, husband, father, mother, son or daughter of such labourer, and who may have entered into a labour-contract at the same place with the same employer, may claim to have her or his labour-contract cancelled at the same time. On such claim being made, the Superintendent shall declare the labour-contract of the claimant to be cancelled, and shall order the agent or representative of the claimant's employer to pay to the claimant such reasonable sum as is necessary to enable him and his dependents (if any) to return to the place at which he was registered.

On

[*-*] These words were inserted by Act VII of 1893, s. 10.

On failure for twenty-four hours of the agent or representative to comply with such order, the Superintendent may pay the sum specified in the order to or on behalf of the claimant; and the provisions of section 79 shall, *mutatis mutandis*, apply to the recovery of any sum so paid.

CHAPTER V.

TRANSPORT BY RIVER.

A.—Passenger-vessels.

Transport by sea to labour-districts.

86. Nothing in this chapter shall apply to the transport by sea of natives of India to the labour-districts.[a]

Vessels to carry more than twenty passengers must be licensed.

87. No master shall receive more than twenty passengers being natives of India on board his vessel for the purpose of transporting them to a labour-district unless a license to carry passengers in such vessel has been granted to him by an Embarkation Agent duly empowered in that behalf by the Local Government.

Power to exempt vessels.

The Local Government may, by notification in the official Gazette, exempt from the provisions of this section any vessel or class of vessels.

Application for license.

88. The master or owner of any vessel who desires to obtain a license under this Act to carry passengers in such vessel shall make a written application for a license to an Embarkation Agent empowered as aforesaid.

Contents of application.

Every such application shall state such particulars respecting the vessel as the Local Government may by rule prescribe.

Grant of license.

89. If such Embarkation Agent is of opinion that the vessel is in all respects suitable for carrying passengers being natives of India to a labour-district, he

[a] Words repealed by Act VII of 1893, s. 11, are omitted.

he shall give to the master of the vessel a license to carry passengers therein, specifying the number of passengers being natives of India which may be received on board.

Fee for license.

90. Such fee, not exceeding sixteen rupees, as the Local Government may with reference to the size of such vessel by rule direct shall be paid for every such license. No such license shall be in force for more than one voyage:

Provision for annual licenses.

Provided that the Embarkation Agent may, from time to time, with the previous sanction of the Local Government, grant a license to the master of any vessel for any term not exceeding one year, on payment of such fee not exceeding one hundred rupees, and on such conditions, as the Local Government may by rule direct.

Embarkation Agent may limit number to be received on board on any particular voyage.

91. Any Embarkation Agent may, in accordance with such rules as the Local Government may prescribe in this behalf, direct by order in writing that, on any particular voyage or part of a voyage, any master licensed hereunder shall not receive on board his vessel more than a specified number of passengers being natives of India, which number shall be less than the number specified in the license granted to such master.

Two children under ten to be counted as one person.

92. In computing the number of persons on board of any vessel, two children under the age of ten years shall for the purposes of this Act be reckoned as one person only.

Master to make returns.

93. Every master to whom a license is granted hereunder shall keep such lists, submit such returns, and make such reports in regard to the passengers carried in his vessel as the Local Government may by rule prescribe.

Provisions, clothing, medical and other officers, cooks, etc.

94. Every such master shall have on board his vessel carrying labourers and their dependents such supplies of provisions and clothing, and such medical and other officers, cooks and attendants, as the Local Government may by rule prescribe.

95. No

95. No medical officer shall be appointed to any vessel in respect of which a license in granted hereunder unless he holds a license granted by such authority as the Local Government may appoint in that behalf; and any medical officer so licensed shall be forthwith removed from his appointment on the requisition of any officer empowered by the Local Government to make such requisition.

Medical officer to be licensed.

B.—Departure of Passenger-vessels and Procedure during Voyage.

96. Whenever it appears to any Embarkation Agent that the departure of any vessel in respect of which a license is granted hereunder is unduly delayed beyond the date fixed by order of a Superintendent or the Local Government, or notified by advertisement in the public Press, for such departure, he may order the master of such vessel to proceed on his voyage at once.

Embarkation Agent may order departure of vessel if delay occurs.

97. No master licensed hereunder shall proceed on a voyage with his vessel carrying labourers until he has received from the Embarkation Agent the way-bills relating to all labourers on board. The Embarkation Agent and the master of the vessel shall together personally ascertain that the number of labourers on board corresponds with the number entered in such way-bills.

Master to receive way-bills from Embarkation Agent.

The Embarkation Agent shall send a copy of such way-bills to the Magistrate of the labour-district to which such labourers are proceeding.

98. No such master shall cause or permit any labourer finally to leave his vessel at any place other than that named in the way-bill as the destination of such labourer:

Labourers not allowed finally to leave vessel at any place other than that mentioned in way-bill.

Provided that this section shall not be deemed to prevent the master of any vessel from permitting such labourers to disembark at any place or places on the voyage so long as such disembarkation is not intended or known to be likely to be final, nor to prevent the final

final disembarkation of any such labourers, or the transfer of such labourers with their dependents to any other vessel in case of accident or other unavoidable necessity. Such accident or necessity shall be forthwith reported by the master to the Embarkation Agent by whom he was licensed, and to the nearest Magistrate in the district within which such accident has occurred or necessity has arisen.

Master to stop his vessel at certain places where there is a Magistrate.

99. Every master licensed hereunder shall stop his vessel carrying passengers being natives of India at such places, being places where a Magistrate is stationed, and shall, unless the Magistrate permits him to depart earlier, remain at each such place for such time, not exceeding six hours of daylight, as the Local Government may direct. Such master shall, on arriving at any such place, immediately report to the Magistrate the number of the crew and other persons on board, the general state of their health, and the number of deaths (if any) which have occurred among the persons who embarked on board his vessel.

Magistrate may at any time inspect vessel.

Master bound to give all information required.

100. A Magistrate may, while any vessel in respect of which a license is granted hereunder is within the local limits of his jurisdiction, go on board such vessel and inspect the vessel and all persons being natives of India on board. The master and officers of such vessel shall afford to such Magistrate every facility for such inspection, and give him all such information as he may reasonably require respecting the labourers or other persons on board, the deaths (if any) which may have occurred on board, and any other facts which may affect the health of the passengers.

Magistrate may regulate communication between vessel and land.

101. At any time while any such vessel is within the local limits of his jurisdiction, the Magistrate may regulate the communication between such vessel and the land, and may prohibit all persons from leaving such vessel and all persons on land from proceeding on board her.

Magistrate

102. Any Magistrate may, if he has reason to believe

believe that any passengers being natives of India on board any such vessel within the local limits of his jurisdiction are, or are likely to be, affected with any dangerously infectious or contagious disease, detain such vessel and require the civil medical officer of the district or other qualified medical officer to inspect such passengers and to report on their health, stating whether any or what measures are requisite for the removal or prevention of such disease. After the receipt of such report, the Magistrate may order any such passenger suffering from any such disease to be disembarked and detained for medical treatment. If in the opinion of the inspecting medical officer it is dangerous to the health of the general body of the passengers to allow such vessel to proceed until measures have been taken to cleanse and disinfect her, the Magistrate may detain the vessel for a further period, not exceeding three days, for the purpose of carrying out such measures.

may detain vessel for inspection and for removal of disease, and may detain sick native passengers.

103. If, on receiving a report of a medical officer, it appears to a Magistrate that any labourer or any dependent of any labourer, though not suffering from any such disease as last aforesaid, is not in a fit state of health to proceed to the labour-district in which such labourer has contracted to labour, he may order such labourer or dependent to be detained, and shall cause all necessary arrangements to be made for the accommodation, support and medical treatment of the labourer or dependent so detained.

Magistrate may detain sick labourers; and shall arrange for their accommodation and treatment.

104. All expenses incurred under section 103 by a Magistrate in respect of any labourer or dependent so detained shall be recoverable from the employer of such labourer together with interest at six per centum per annum.

Expenses how to be recovered.

105. Whenever it appears to a Magistrate making an inspection of any vessel in respect of which a license is granted hereunder that the number of passengers on board being natives of India is larger than the

Measures to be taken if excess number of native passengers is found on board.

the number specified in such license or than the number specified in an order of an Embarkation Agent made under section 91, he may remove the excess number and detain them until another opportunity of forwarding them to their destination is found. The necessary expense of maintaining such passengers while so detained and of forwarding them to their destination shall be paid by such Magistrate, and shall be recoverable from the master or owner of such vessel.

Infraction of the Act and rules to be reported.

106. Whenever, on making an inspection of any vessel in respect of which a license is granted hereunder, a Magistrate finds that any of the provisions of this Act or of any rule of the Local Government made hereunder have not been complied with in respect of such vessel, he shall report the same to the Embarkation Agent by whom such license was granted; and, if he considers it necessary to do so, he may detain the vessel until such provisions have been so complied with as to make it possible for the voyage to be further prosecuted with safety and reasonable comfort to the emigrants.

Vessel may be detained.

Power to make rules regulating disembarkation and other matters.

107. The Local Government may make rules regulating—

(*a*) the disembarkation of labourers and their dependents, and their inspection and accommodation on arrival at their destination:

(*b*) the detention of such labourers or dependents at debarkation-depôts:

(c) the forwarding of labourers to their destination and the closing and return of way-bills by employers.

All expenses incurred by any Magistrate or Debarkation Agent in accordance with such rules shall be recoverable from the employers of such labourers together with interest at the rate of twelve per centum per annum.

Magistrate

108. The Magistrate of a district, or of a division of

of a district, may from time to time authorize any subordinate Magistrate, medical officer or officer of police above the rank of sub-inspector to exercise the powers and authorities conferred, and to perform the duties imposed, on a Magistrate under sections 99 to 106, both inclusive.

may depute a subordinate Magistrate to discharge the functions of the Magistrate.

CHAPTER VI.

PROVISIONS AS TO THE LABOUR-DISTRICTS.

A.—Annual Rate payable by Employers.

109. Every employer shall, on the first day of January and the first day of July in each year, pay in respect of each labourer then in his employ such rate, not exceeding an annual sum of one rupee, as the Local Government may by notification in the official Gazette direct.

Annual rate payable by employer.

110. If any employer fails, for the space of one month after the receipt of a notice in such form and served in such manner as the Local Government may prescribe, to pay any sum due by him under the provisions of the last preceding section, such sum shall be recoverable as if it were an arrear of land-revenue due from such employer.

Payment of rate how to be enforced.

B.—Local Labour-contracts.

[*]**111.** Any employer may enter into a labour-contract for any term not exceeding one year commencing from the date of the execution of the contract with any native of India within the labour-district in which the estate on which such native contracts to labour is situated. When any employer has executed any such contract with any such native within a labour-district, he shall, within one month from the date of the execution of such contract, forward it in duplicate to the Inspector within the local limits of

Labour-contracts executed in labour-districts between employer and native direct.

[*] The sections 111 to 112B here printed were substituted for the original ss. 111 and 112 by Act VII of 1893, s. 12.

of whose jurisdiction such estate is situated. On receipt of the contract so forwarded, the Inspector shall enter an abstract thereof in a register to be kept by him for the purpose, and shall then give one copy of the contract to the labourer and the other copy to his employer.

Registration of such contracts.

Verification and cancellation of such contracts.

[*]111A. When, for the first time after the registration of any such contract with a labourer, the Inspector visits the estate on which such labourer is employed, the employer shall cause such labourer to appear before the Inspector for the purpose of having his contract verified, and such labourer may thereupon apply to the Inspector to cancel the contract; and, if he shows cause sufficient in the opinion of the Inspector to justify the cancellation, the Inspector shall cancel the contract, and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the contract, or, if such copy be not forthcoming, shall give to the labourer a certificate to that effect.

Power of Inspector or Magistrate to require labourer who has executed such contract to appear before him.

[*]111B. The Inspector or Magistrate may at any time, either on the application of the employer or the labourer or of his own motion, require the employer to cause any labourer who has entered into a contract under section 111 and is employed upon any estate within the local limits of the jurisdiction of the Inspector or Magistrate to appear before him for the purpose of having his contract verified; and, if such labourer applies to the Inspector or Magistrate to cancel his contract and shows cause sufficient in the opinion of the Inspector or Magistrate to justify such cancellation, the Inspector or Magistrate shall cancel the contract as provided in the last preceding section.

Labour-contracts executed within labour-districts

[a]112. Notwithstanding the provisions of section 111, any employer may enter into a labour-contract with any native of India in a labour-district for any term

[*] See foot-note on p. 51, *supra*.

term not exceeding four years commencing from the date of the execution of the contract if he appears either in person or by agent with such native before the Inspector or Magistrate within the local limits of whose jurisdiction the estate upon which such native is about to contract to labour is situated. before Inspector or Magistrate.

Such Inspector or Magistrate shall thereupon explain the labour-contract to such native, and shall, if satisfied that he is competent to enter into and understands the same, call upon him and the employer or his agent to execute it in his presence; and, if they execute it, shall attest such execution with his signature.

An abstract of every such labour-contract shall be entered in a register to be kept by the Inspector or Magistrate for the purpose; and one copy of such contract shall then be given to the labourer and the other copy to his employer or his agent.

In respect of every labour-contract an abstract whereof is registered under section 111 or under this section, the employer who executes such contract in person or by agent shall pay to the Inspector or Magistrate such fee, not exceeding one rupee, as the Local Government may from time to time direct.

[*]112A. For the purposes of the last preceding section an estate situated in any one of the following districts of the Assam Valley Division, namely, Kamrup, Darrang, Nowgong, Sibsagar and Lakhimpur, shall be deemed to be also situate within the local limits of the jurisdiction of the Inspector and Magistrate resident at the civil station of Dhubri in the Goalpara District; and, subject to such rules as the Local Government may prescribe in this behalf, contracts to labour on any estate in any of the labour-districts abovenamed may be executed and registered Execution of labour contract before Inspector or Magistrate of Dhubri.

[*] See foot note on p. 51, *supra*.

tered before the Inspector or Magistrate at Dhubri in accordance with the provision of the last preceding section.

Power of Local Government to frame rules in connection with the execution of labour-contracts at Dhubri.

[*]112B. The Local Government may, after previous publication, make rules consistent with this Act with respect to all or any of the following matters, namely :—

(*a*) the execution and registration of contracts under section 112A before the Inspector or Magistrate at Dhubri;

(*b*) the medical examination at Dhubri by the Civil Surgeon or other competent medical man of labourers and persons intending to become labourers and their dependents;

(*c*) the conditions under which depôts, rest-houses and other places may be established and maintained at Dhubri for the reception and lodging of labourers and persons intending to become labourers and their dependents; the sanitation and management of such depôts, rest-houses and other places; the arrangements for food, water and conservancy therein; the clothing and necessary utensils to be supplied to persons lodged therein; and the hospital accommodation for and medical treatment of such persons;

(*d*) the control and inspection by officers of Government of such depôts, rest-houses and other places; and

(*e*) the registers to be kept, and the reports and returns to be made, by the persons in charge of such depôts, rest-houses and other places.

C.—Employers'

[*] See foot-note on p 51, *supra*.

C.—Employers' Returns and Magistrates' Inspections.

Registers to be kept and returns made by employers.

113. Every employer shall keep such registers of all labourers and other persons employed on the estate of which he is in charge, in such form, and shall make to the Inspector within the local limits of whose jurisdiction such estate is situate such periodical returns in writing, as the Local Government may by rule prescribe. The Inspector may examine such registers and muster all labourers and other persons employed on any estate within such local limits, and may verify the accuracy of the entries in such registers, or in any prescribed periodical return.

Powers of Inspector or Magistrate to inspect lands and houses and to make requisitions and enquiries.

[a]**114.** Any Inspector or Magistrate or any person authorized by either of them in writing in this behalf may at any time enter and inspect all lands and houses wholly or partially used by or for labourers, or by or for any other natives of India employed on any estate, and may require that all such labourers or natives, or any particular class or classes or individual or individuals of them, shall be brought before him, and that a copy of the labour-contract of any labourer shall be produced, and may make any inquiries which he thinks proper touching the condition or treatment of such labourers or other natives or any of them, and the employer shall be bound to comply with such requisition and to answer such enquiries to the best of his ability.

D.—Regulation of Labour.

Schedule of task-work to be prepared.

115. Every employer shall prepare a schedule specifying the daily task to be executed by each labourer employed on the estate of which such employer is in charge, and may from time to time alter any schedule so prepared.

One

[a] This section was substituted for the original s. 114 by Act VII of 1893, s. 13.

One copy of every such schedule shall be filed in a book which shall be open to the examination of the Inspector, and another copy thereof in the Bengali language shall be stuck up in some conspicuous place accessible to the labourers to whom such schedule relates.

The minimum payment for each daily task shall be the quotient resulting from dividing the monthly wage of the labourer concerned by the [a] number of working days in the current month. The number of working days in any month shall be ascertained by deducting the number of Sundays from the whole number of days in the month[a].

Limitations and conditions of task-work.

116. No labourer shall be bound to labour more than six days in one week, or more than six consecutive hours, or more than nine hours in any one day. Every labourer shall, for one day in each week, receive wages as for a full task done, without being required to labour for the same. The employer shall, on six days in each week, provide for each labourer work sufficient to enable him to earn at least his minimum daily wage. Failing such due provision of work, the labourer shall, if he can show that he was able and willing to labour for the same, be entitled to claim his minimum daily wage.

Provisions for revision of schedule by Inspector subject to appeal to Committee.

117. If the Inspector considers that any schedule of daily tasks, or any part thereof, is unreasonable, he may by order in writing direct that a reduction specified in such order be made of such tasks. The employer shall at once make such reduction, but may, if dissatisfied with the Inspector's order, by notice in writing require the Inspector to refer the schedule to a Committee for consideration. Such Committee shall consist—

(*a*) of the Inspector,

(*b*) of

[a-a] These words were substituted for the original words by Act VII of 1893, s. 14.

(*b*) of some person to be nominated by the employer whose schedule is to be considered; and,

(*c*) if practicable, of a medical officer.

Where the employer fails to nominate a person within seven days after being thereunto requested in writing by the Inspector, the Inspector, instead of the employer so failing, may nominate a person.

When the Committee consists only of the Inspector and of a person nominated by the employer or Inspector, the Inspector shall have the casting vote.

Committee to revise schedule.

118. If such Committee, or a majority thereof, is of opinion that the daily tasks specified in such schedule or any of then are unreasonable, they shall modify and reduce them in such manner as they think fit. The employer shall thereupon alter his schedule accordingly, and copies of the schedule so altered shall be filed and stuck up in the manner directed in section 115, and shall, as between him and the labourers concerned, take the place of the former schedule.

Provision for weakly labourers.

119. Notwithstanding anything contained in any such schedule, the Inspector may order that any specified labourer, who is in his opinion unable from weakness to earn by his labour the sum of one anna and a half per diem, according to the said schedule, shall receive, in lieu of such actual earnings, subsistence-allowance at the rate of one anna and a half per diem, or diet on a scale to be approved by such Inspector. Such subsistence-allowance shall be recoverable as if it were an arrear of wages.

E.—Incapacity for Labour.

Inspector may suspend contract of any labourer temporarily unfitted for labour.

120. The Inspector within the local limits of whose jurisdiction any labourer is employed may release such labourer, for such period as he thinks fit, from performing his labour-contract, if he be, in the judgment of such Inspector, temporarily unfitted for the

the performance thereof by reason of sickness, or other sufficient cause.

Every such release shall be endorsed by the Inspector on the labour-contract, and the time during which the release continues shall not be reckoned as part of the term for which the labourer is bound to serve. Every such labourer shall, during such release, receive such subsistence-allowance from his employer as the Inspector thinks sufficient.

Labourer absent from sickness.

121. If any labourer is compelled to absent himself from work on account of sickness, he shall receive from his employer for each day of such absence subsistence-allowance of one anna and a half, or, if in hospital, sick diet on a scale to be approved by the Inspector.

If such absence exceeds the total number of thirty days in any one year, and the employer, as soon as such number is exceeded, gives the labourer a notice in writing to that effect, each day of absence in excess of such number shall be added to the term of the labour-contract, unless the labourer refunds to the employer the sum of one anna and a half for each day so in excess.

[a]The Inspector shall from time to time, when visiting the estate, on the application of the employer, and may also at any other time on the application of either the employer or the labourer, endorse on the labourer's labour-contract, after such enquiry as may be necessary, the number of days so to be added to the term thereof:

[a]Provided that an employer who omits to apply for the endorsement of such days on any labourer's labour-contract, when the Inspector is actually visiting the estate, shall, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector,

[a] This paragraph and this proviso were substituted for the original words by Act VII of 1893, s. 15.

Inspector, be debarred from applying afterwards for such endorsement in so far as days of absence which occurred prior to the date of the Inspector's last visit are concerned.

Discharge of labourer permanently incapacitated.

122. If, in the opinion of the Inspector, any labourer is permanently incapacitated for the performance of his labour-contract or any material part thereof, the Inspector shall certify to that effect in writing and deliver such certificate to the employer of such labourer or his agent, and from the date of such certificate the labour-contract of such labourer shall wholly determine. Every labourer whose labour-contract so determines shall be entitled to receive from his employer such sum, not exceeding three months' wages, as the Inspector may award.

Such sum and any subsistence-allowance mentioned in sections 120 and 121 shall be recoverable as if they were arrears of wages.

F.—Accommodation for Labourers.

House-accommodation, water-supply and sanitary arrangements to be provided.

123. Every employer shall be bound to provide for the labourers employed on the estate of which he is in charge such house-accommodation, water-supply and sanitary arrangements as the Local Government may by rule direct.

Supply of food-grain by employer.

124. When the food-grain commonly used by any class of labourers is not procurable by such labourers at reasonable prices in the local markets near the estate on which such labourers are employed, the employer of such labourers shall be bound to supply them with such grain at a reasonable price. The Local Government may by notification in the official Gazette determine, either generally or for each district or part of a district, what shall for the purposes of this section be deemed to be a reasonable price.

125. Subject

Provisions for rationing.

125. Subject to any rules which may be made by the Local Government in this behalf, any Inspector may, by order in writing—

(*a*) direct that, on any specified estate within the local limits of his jurisdiction, all the labourers or any specified class of labourers shall be furnished by their employer with rations, cooked or uncooked, on such scale, for such period not exceeding three months from the date of their arrival on the estate, as may be specified in such order;

(*b*) exempt any specified labourer from the effect of any such general order if he is satisfied that such labourer is able to earn a full wage and desires to provide himself with proper and sufficient food;

(*c*) direct that any specified labourer shall be furnished with rations for any term not exceeding six months, and renew any such order for a like term.

The cost of each labourer's ration furnished to him in accordance with any order made under this section shall be calculated at current rates as determined by the Inspector, and shall be deducted from any wages earned by the labourer during the period for which such order is in force.

Provision for hospital-accommodation and medical attendance.

126. If any employer does not, in the opinion of the Inspector, provide such hospital-accommodation in a suitable place available to the labourers employed upon the estate of which he is in charge, or does not make such provision for the medical treatment of such labourers as the Local Government may direct, the Local Government may require such employer to contribute to the support of a central hospital to be established, or to the pay of a medical officer to be appointed, for the medical treatment of such labourers, such sum, proportionate to the number of labourers so employed, as it thinks fit.

127. Any

127. Any Inspector or Assistant Inspector who is himself a Magistrate may, with respect to any estate situate within the local limits of his jurisdiction, institute an enquiry whether the employer in charge of such estate has provided for his labourers house-accommodation, water-supply, sanitary arrangements, food-grains and rations in accordance with the rules prescribed by the Local Government. At the instance of any Inspector or Assistant Inspector a similar enquiry may be made by a Magistrate. Every such inquiry shall be held at some place on the estate to which it relates, or within ten miles of such estate, and shall be conducted and dealt with as if it were an enquiry of a Magistrate under the Code of Criminal Procedure, 1882. [a]

Enquiry whether employer has failed to provide accommodation, etc., as required by the rules.

G.—Localities unfit for the residence of Labourers.

128. If in the opinion of the Inspector any estate or portion of an estate situate within the local limits of his jurisdiction is at any time, by reason of climate, situation or condition, unfit for the residence of labourers, or of any particular class of labourers, he shall give notice in writing of such opinion to the Magistrate of the district; and such Magistrate shall forthwith, by order in writing, summon a Committee to inquire into the matter.

Inspector to report.

Magistrate to summon Committee.

[b] The Magistrate of the district may also of his own motion summon such a Committee, if, either from his own observation or upon the report of an Inspector, Magistrate or medical officer, he is of opinion that any estate or portion of an estate is, for any of the reasons aforesaid, unfit for the residence of labourers or of any particular class of labourers.

Such

[a] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.

[b] This paragraph was inserted by Act VII of 1893, s. 16.

Such Committee shall consist of the Magistrate, the Inspector, the medical officer of the district and one or more employers of labourers, when such employers are available.

If the Magistrate is unable to procure the service on such Committee of any employer of labourers, he may, with the previous sanction of the Commissioner of the division, appoint one or more persons qualified to serve on such Committee.

Local Government may order Committee.

[a] **128A.** If it appears to the Local Government upon the report of an Inspector, Magistrate or medical officer,—

(*a*) that any estate or portion of an estate is for any of the reasons given in the last preceding section unfit for the residence of labourers or of any particular class of labourers, or

(*b*) that the percentage of mortality of labourers or of any particular class of labourers employed on any estate or on any portion of an estate is such as would justify the institution of an inquiry by a medical officer under section 130 of this Act,

the Local Government may direct the Magistrate of the district to summon a Committee under the last preceding section; and the Magistrate of the district shall forthwith proceed to summon a Committee accordingly.

Proceedings of Committee.

129. Such Committee shall as soon as may be inquire into the healthiness of the estate or portion to which the order appointing the Committee relates, and shall hear and record such information on the subject as the owner of such estate or portion, or the employer in charge thereof, or the Inspector, may desire to place before it.

If Committee finds estate unfit, labour-

If such Committee or the majority thereof is of opinion that such estate or portion, or any part of such

[a] S 128A was inserted by Act VII of 1893, s 17.

such estate or portion, is unfit for the residence of labourers generally, or of any particular class of labourers, it shall record a finding to that effect.

contract to be void as regards such estate.

When such finding has been recorded, no labourer, or no labourer of the particular class to which such finding relates, as the case may be, shall be bound by any labour-contract to labour on the estate or portion, or part of such estate or portion, as the case may be, which is found unfit for the residence of such labourers.

Labourer bound to labour elsewhere.

When any labourer is released under this section from the performance of a labour-contract to labour on any estate, he shall be bound to labour on any other estate belonging to his employer and situate in the same labour-district; or, where the finding relates only to a portion or part of an estate, on any other portion or part of the same estate. [a] Where the finding relates to the whole of any estate and the employer has no other estate in the same labour-district on which the labourer may be employed, the Inspector shall cancel the labour-contract of such labourer, and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the contract, or, if such copy be not forthcoming, shall give to the labourer a certificate to that effect.[a]

Local Government may pass orders on proceedings of Committee.

[b]**129A.** The Local Government may call for the proceedings of any Committee summoned under section 128, or section 128A of this Act, and, if the finding of such Committee is not unanimous, the Local Government may record any finding thereon which such Committee was competent to record, and such finding shall have the same effect as the finding of a Committee under section 129.

Local Government how to proceed if

130. Whenever it appears to the Local Government[c] or the Magistrate of the district[c] that the

[a-a] This portion was added by Act VII of 1893, s. 18.
[b] S. 129A was inserted by Act VII of 1893, s. 19.
[c-c] These words were inserted by Act VII of 1893, s. 20.

mortality in past year exceeds seven per cent., or if the average mortality for three years exceeds seven per cent.

the number of labourers employed on an estate who have died thereon, or on any portion thereof, during the last preceding twelve months, or that the average annual number of labourers employed on an estate who have died thereon or on any portion thereof during the last preceding three years, bears a larger proportion to the whole number of labourers employed thereon during such period of twelve months or three years, as the case may be, than seven per centum, the Local Government [a]or the Magistrate of the district[a] may direct the civil medical officer of the district or other qualified medical officer to inquire into and report on the following matters :—

Matters to be enquired into.

(*a*) the cause or causes of such mortality ;

(*b*) the want (if any) of due care or precaution, and of the adoption of proper and available sanitary measures on the part of the owner of such estate or portion thereof, or the employer in charge of such estate or portion, causing or contributing to such mortality ;

(*c*) the fitness or otherwise of such estate or portion for the residence of labourers :

[b]Provided that, when the mortality among any particular class of labourers employed on an estate or any specified portion of an estate exceeds the percentage specified in this section, the Local Government or Magistrate of the district may direct an inquiry under this section limited to such particular class of labourers.

Medical officer to report.

131. Such medical officer shall, as soon as may be, inquire into such matters, and shall hear and record such information relating thereto as the owner of such estate or portion, or the employer in charge of the same, or the Inspector, may place before him, and shall

[a-a] These words were inserted by Act VII of 1893, s. 20.
[b] This proviso was added by Act VII of 1893, s. 20.

shall visit and inspect such estate or portion, and shall make a report expressing the reasons for his opinion, and transmit the same to the Local Government together with the information so recorded and the notes of his inspection of such estate or portion.

Local Government may declare estate unfit for residence.

132. If the Local Government, after perusal and consideration of the said report, information and notes, is of opinion that such mortality was caused by the want, on the part of the owner of such estate or portion, or the employer in charge of the same, of due care or precaution, or of the adoption of proper and available sanitary measures, [a]or that such estate or portion is [a] unfit for the residence of labourers [b]or of any particular class of labourers, it may make a declaration in writing to that effect.[b] Such declaration of the Local Government shall have the same effect as the finding of a Committee under section 129.

Effect of declaration.

Power to certify fitness of estate or portion found or declared to be unfit.

[c] **133.** If it at any time appears to the Inspector that any estate or smaller area, which has been found or declared under any of the preceding provisions to be unfit for the residence of labourers or of any particular class of labourers, has become fit for the residence of such labourers or class of labourers, as the case may be, he shall, with the previous sanction of the Magistrate of the district in which such estate or area is situate, give a certificate to that effect signed by him. Thereupon all such labourers as are mentioned or referred to in the last paragraph of section 129, and whose contracts have not been cancelled by the Inspector under that section, shall again be bound to labour on the estate or area, as the case may be, to which the certificate relates for the unexpired periods (if any) of their respective contracts.

H.—Complaints

[a-a, b-b] These words were substituted for the original words by Act VII of 1893, s. 21, (*1*) and (*2*), respectively.

[c] This section was substituted for the original s. 133 by Act VII of 1893, s. 22.

H.—Complaints made by Labourers.

If labourer wishes to complain of personal ill-usage or breach of Act, employer to send him to Inspector or Magistrate.

134. If any labourer states to his employer, or any person acting on behalf of his employer, that he desires to make a complaint to the Inspector or to any Magistrate of personal ill-usage or breach, on the part of his employer, or such person, of any provisions of this Act or of any rule of the Local Government made hereunder, the person to whom such statement is made shall forthwith send such labourer to the Inspector or Magistrate within the local limits of whose jurisdiction the estate wherein he is employed is situate: Provided that, if more than ten labourers at any one time so state their desire to make such a complaint, the person to whom the statement is made may, instead of sending such labourers to such Inspector or Magistrate, give him notice in writing of their complaint.

Inspector or Magistrate how to proceed if complaint is made to him, or if he has reason to believe that there is ground for a complaint.

135. Whenever any such complaint is made to an Inspector or Magistrate, or whenever any Inspector or Magistrate receives notice in writing of any such complaint, or has other reasonable grounds for believing that any employer or person acting on his behalf has personally ill-used, or committed any breach mentioned in section 134 in respect of, any labourer, such Inspector or Magistrate shall, as soon as may be, proceed to some place not more than ten miles from the principal place of business of such employer situate within the local limits of his jurisdiction, and inquire into the matter complained of:

Provided that, if the place in which an Inspector or Magistrate has reasonable grounds for believing that such ill-usage or breach has been committed is situate beyond the local limits of his jurisdiction, he shall, instead of inquiring into the matter himself, forthwith send information thereof in writing to the Inspector or Magistrate within the local limits of whose

whose jurisdiction such ill-usage or breach has been committed.

For the purposes of an inquiry under this section, the Inspector or Magistrate may summon and examine any person as a witness. Power to summon witness.

136. If, upon such inquiry made on the complaint of a labourer, the Inspector or Magistrate is of opinion that the complaint is untrue or frivolous or vexatious, he shall dismiss the complaint; and in such case shall endorse on the employer's copy of the complainant's labour-contract the number of days during which the complainant has been absent from work in consequence of the inquiry, and the number of days so endorsed shall be added to the period for which the complainant contracted to labour. If complaint is untrue or frivolous.

Every such endorsement shall be conclusive evidence that the complainant has absented himself from his labour voluntarily and without reasonable cause during the number of days so endorsed.

137. When any complaint is dismissed under section 136, the Inspector or Magistrate may award to the employer any reasonable compensation on account of any expense incurred by him in connection with such complaint, and shall endorse the amount of such compensation on the complainant's copy of the labour-contract. The complainant shall be bound to pay the amount so awarded; and in default of such payment his labour-contract shall not be deemed to have determined until he has worked off such amount at the rate of one day's labour for each four annas of such amount. Award of compensation to employer.

138. If upon such inquiry by a Magistrate or by an Inspector who is a Magistrate, such Magistrate or Inspector is of opinion that there is sufficient ground for proceeding with the case, he shall dispose of the same according to law. If the Inspector is not a Magistrate and is of such opinion, he shall without delay send the complainant and his witnesses If on inquiry there is sufficient ground for proceeding.

(if

(if any) to the nearest Magistrate; and such Magistrate shall thereupon dispose of the case according to law.

Recovery of arrears of wages.

139. If, upon the complaint of any labourer, it is proved to the satisfaction of a Magistrate that the wages of such labourer are in arrear for two months, or if the wages of any person whose labour-contract has determined are proved to the satisfaction of a Magistrate to have been withheld for any period after such determination, the Magistrate may award to such labourer or person the amount which appears to be then due to him; and also, by way of compensation, such further sum, not exceeding that amount, as to such Magistrate seems just; and, in case of default in payment of the amount so awarded, the Magistrate shall levy such amount by distress and sale of any moveable property belonging to the employer of such labourer or person.

Compensation may be given.

Power to cancel contract on conviction of employer,

140. Whenever it is proved to the satisfaction of a Magistrate

(*a*) that any employer, or any person placed by him in authority over any labourer, has been convicted of any offence causing injury to the person or loss or damage to the property, of such labourer and under the Code of Criminal Procedure, 1882,[*] triable exclusively by the Court of Session, or X of 1882.

(*b*) that any employer, or other person as aforesaid, has been twice convicted of any such offence against such labourer and under the said Code triable by a Magistrate, or

or if wages are in arrear for more than four months,

(*c*) that the wages of any labourer are in arrear to an amount exceeding the whole of such labourer's wages for four months; or

(*d*) that

[*] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

(*d*) that any labourer has been compelled by his employer or by any person placed by his employer in authority over him to perform any labour while he was unfit for it, or has been subjected to ill-usage by his employer or any such person,

or if ill-usage is proved.

such Magistrate may, if he thinks fit, on the application of the labourer aggrieved, cancel the labour-contract of such labourer, and award to him compensation not exceeding thirty rupees.

Every such cancelment shall be certified by the Magistrate on the back of the labourer's copy of the labour-contract, or, if the same be not forthcoming, by writing under the Magistrate's hand delivered to the labourer.

Power to cancel contract of labourer related to labourer whose contract is cancelled or determined.

[a]140A. When the labour-contract of any labourer is or has been cancelled or determined under section 111A, 111B, 122 or 140, the Inspector or Magistrate, as the case may be, may, at his discretion, and on the application of the labourers concerned, cancel the labour-contract of any labourer employed on any estate belonging to the same employer being a wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been so cancelled or determined.

I.—Determination of Labour-contract.

Endorsement of determination on labour-contract.

141. Whenever a labour-contract determines, the employer shall endorse on the labourer's copy of the contract the fact of such determination, or, if such copy be not forthcoming, shall give to the labourer a certificate of such determination; and, if the employer refuses or neglects to do so, the Inspector may, on application by the labourer, make such endorsement or give such certificate.

The

[a] S. 140A was inserted by Act VII of 1893, s. 23.

The employer shall give to the Inspector notice in writing of such determination within one month from the date thereof.

Power to redeem labour-contract.

142. If any labourer is able and desirous to redeem the unexpired term of his labour-contract, or of the labour-contract of any member of his family, by payment of a sum equivalent to the value of such unexpired term, such labourer may require his employer to take him, or allow him to go, before the Inspector within the local limits of whose jurisdiction he may be employed; and, on his depositing such sum with such Inspector, the Inspector shall give notice to the employer that the labourer requires him, within one week, to show cause why the labourer, the unexpired term of whose contract is proposed to be redeemed, should not be released from his contract. If no sufficient cause is shown, the Inspector shall require such labourer's copy of the contract to be produced, and on production thereof shall endorse thereon a certificate that he has been released under this section from such contract, or, if such copy be not forthcoming, shall deliver to the labourer a certificate under his hand to that effect; and shall in either case hold the sum so deposited to the credit of the employer of such labourer.

Value of unexpired term of labour-contract.

The value of the unexpired term of a labour-contract shall, for the purposes of this section, be deemed to be the aggregate amount of one rupee for every month of the unexpired portion of the first year, of three rupees for every such month of the second year and of five rupees for every such month of the [a]third and fourth years[a] of the original term of the contract.

Power to equalize terms of

[b]**142A.** In any case in which the contract of a labourer determines at a different time from that of any

[a-a] These words were substituted for the original words by Act VII of 1893, s. 24.

[b] Ss 142A to 142F were inserted by Act VII of 1893, s. 25.

any other labourer who is the wife or husband of such labourer, the Inspector or Magistrate may, on the joint application of such labourers, equalize the terms of their respective contracts, and may for this purpose add to the term of the contract which expires first and deduct from the term of the contract which expires last in such proportions as may appear to him to be equitable.

contract in case of husband and wife.

Every such addition or deduction from the term of any contract shall be certified by such Inspector or Magistrate on the back of both the employer's and the labourer's copies of the contract, or, if the same be not forthcoming, by writing under the Inspector or Magistrate's hand, copies of which shall be delivered to the employer and the labourer.

J.—Repatriation of labourers and others.

[a]142B. If any labourer, not being a native of the labour-districts, whose contract is determined under section 122, desires to be sent back to his native district, the Inspector may, instead of awarding a sum as receivable by such labourer from his employer, as provided by that section, order the employer to deposit such amount, whether in excess of the three months' wages awardable under that section or otherwise, as shall, in the Inspector's opinion, be sufficient to cover the entire expenses of sending the labourer to such district. Such amount shall be deposited by the employer in the Inspector's office and shall be expended by the Inspector in sending the labourer back to his native district.

Repatriation of labourers whose contract is determined under section 122.

On failure of the employer to deposit such amount within twenty-four hours in accordance with any such order, the Inspector may pay the same, and any amount so paid shall be recoverable from the employer as if it were an arrear of wages.

142C. If

[a] See foot-note [b] on p. 70, *supra*.

Repatriation of emigrants not under contract who are physically incapacitated.

[a]142C. If any person, being a native of India but not being a labourer, who has emigrated from his native district to a labour-district for the purpose of labouring for hire in any estate situate therein, or being a dependent of any person who has so emigrated, has no means of subsistence, and is, in the opinion of the Inspector or Magistrate, permanently incapacitated from earning his livelihood in a labour-district, the Inspector or Magistrate may, on the application of such person, send him back, together with his dependents (if any), to his native district, and may, subject to the control of the Local Government, charge the expenses incurred in so doing to the Inland Labour Transport Fund.

Repatriation of labourers wrongfully recruited.

[a]142D. Subject to any orders which the Local Government may issue in this behalf, the Inspector or Magistrate may send back to his native district any labourer, together with his dependents (if any), whose contract has been cancelled under section 111A or 111B on the ground of coercion, undue influence, fraud or misrepresentation, or of any irregularity in connection with his recruitment or the execution of his contract, and may recover, as if it were an arrear of wages, from the employer on whose estate such labourer was under contract to labour, the whole or any part of the expenses incurred in so sending him back.

Repatriation of persons not under contract wrongfully recruited.

[a]142E. If it appears to the Inspector or Magistrate, on complaint made before him or otherwise, that there is reason to suppose that any native of India, not being a labourer, has been induced by any coercion, undue influence, fraud or misrepresentation to emigrate to a labour-district, the Inspector or Magistrate shall call upon the employer on whose behalf such person was made or induced to emigrate, or to whose estate he is being or has been conveyed,

or,

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[a] See foot-note [b] on p. 70, *supra*.

or, if the employer cannot be communicated with without undue delay, upon his agent or any one accompanying such person or conveying him to any labour-district or estate, to appear before the Inspector or Magistrate and show cause why such person should not be sent back to his native district.

If the Inspector or Magistrate is of opinion after such enquiry as he thinks sufficient that such person was engaged or compelled or induced to emigrate by any such coercion, undue influence, fraud or misrepresentation as would justify his being sent back to his native district, the Inspector or Magistrate shall record a finding to this effect and shall send such person, if he so desires, together with any other persons dependent on him (if any) back to his native district.

Subject to any orders which the Local Government may issue in this behalf, the whole or any part of the amount expended in sending a person back to his native district under this section may be recovered as if it were an arrear of wages from the employer on whose behalf such person was induced to emigrate or to whose estate he was being or had been conveyed; or if the employer is not known, or if there is no such employer, by distress and sale of any moveable property belonging to the person accompanying such person or conveying him to any labour-district or estate.

Arrangements may be made for escorting persons ordered to be repatriated.

[a]142F. In any case in which a labourer or other person is sent back to his native district under the provisions of section 142D or section 142E, the Inspector or Magistrate may provide an escort or make such other arrangements as may appear to him to be necessary for ensuring that such labourer or person is actually conveyed to such district. Any expenditure incurred in providing such escort or making such arrangements

[a] See foot-note [b] on p. 70, *supra*.

arrangements may be recovered as part of the amount expended in sending such labourer or other person back to his native district.

CHAPTER VII.

SUPPLEMENTARY POWERS.

Power of the Local Government to make rules.

143.[a] In addition to any other power to make rules conferred by this Act,[a] the Local Government may make rules consistent with this Act—

(*a*) to define and regulate the powers and duties of the several officers appointed by it under this Act;

(*b*) to prescribe what returns and reports shall be made under this Act by any such officers or by any contractors or local agents within the territories under its administration and the form in which they shall be respectively so made;

(*c*) to prescribe the forms of all registers, licenses, certificates and notices required under this Act with respect to the territories under its administration;

(*d*) to prescribe the particulars to be registered by a Registering-officer in respect of each person who is brought before him in any district under its administration for registration as a labourer or dependent;

(*e*) to prescribe the fees to be paid for any license granted under this Act by any officer appointed by it, and for the registration of labourers or dependents in any district under its administration;

(*f*) to prescribe the conditions upon which any officer appointed by it may grant licenses to masters

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[a-a] These words were prefixed to s. 143 by Act VII of 1893, s. 26.

masters of vessels carrying passengers to any labour-district; to provide for the ventilation, cleanliness and water-supply of such vessels in respect of which licenses are granted hereunder by any such officer; and to prescribe the lists, returns and reports to be kept and submitted by the masters of such vessels;

(*g*) to prescribe the description, quantity and quality of provisions, medical drugs and other stores to be taken on board such vessels carrying labourers when such vessels are within the territories under its administration, and the daily allowance to be issued to each labourer and dependent during the journey through such territories; to prescribe the number of officers, cooks and other servants to be carried on board such vessels, and to provide generally for the accommodation of labourers and their dependents on such vessels;

(*h*) to provide for the accommodation, food, clothing and medical treatment of all labourers and dependents detained on account of sickness by order of a Magistrate at any place within any district under its administration;

(*i*) to declare the routes through the territories under its administration by which labourers and their dependents shall not travel to the labour-districts;

(*j*) to prescribe the house-accommodation, water-supply, sanitary arrangements and amount and kind of food-grains to be provided by employers for their labourers, and to regulate the rations to be supplied to labourers under this Act in the labour-districts under its administration;

(*k*) to

(*k*) to provide for the hospital-accommodation and medical treatment of labourers in such labour-districts, and to prescribe the nature, quality and quantity of medical drugs and other stores to be provided for such labourers;

(*l*) to provide for the management and regulation of contractors' depôts and of hospital depôts situate within the territories under its administration, and for the support and medical treatment of labourers and their dependents passing through such depôts;

(*m*) to prescribe the clothing to be supplied to labourers and their dependents while proceeding to the labour-districts through the territories under its administration; and, generally;

(*n*) to give effect to the provisions of this Act within the districts subject to its administration.

Special power of the Lieutenant-Governor of Bengal and Chief Commissioner of Assam.

144. The Lieutenant-Governor of Bengal and the Chief Commissioner of Assam may further respectively make rules consistent with this Act to provide for the detention and inspection of vessels in respect of which licenses are granted hereunder and passengers being natives of India carried thereon while in transit through the territories respectively administered by them.

Power to prescribe penalties.

145. The Local Government may, subject to the control of the Governor General in Council, by rule prescribe as a penalty for the infringement of any rule made by it [*]under this Act,[*] or of any provision of this Act for a breach of which a penalty is not expressly provided, a fine which may extend to five hundred rupees.

All

[*-*] These words were substituted for the original word by Act VII of 1893, s. 26.

All rules made under this Act by the Local Government shall be published in the local official Gazette, and shall thereupon have the force of law. Publication of rules.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

146. Whoever knowingly induces or assists, or attempts to induce or assist, any native of India to emigrate in contravention of a notification published under section 5 shall be punished with fine which may extend to fifty rupees for every such native whom he so induces or assists, or attempts to induce or assist. Inducing native to emigrate in contravention of a notification under section 5.

147. Whoever, being a recruiter, Recruiter removing, etc., unregistered persons.

removes, or attempts to remove, any person to a depôt before he has been registered under section 32, or induces or attempts to induce him to go to a depôt or to leave the local limits of the jurisdiction of the Registering-officer before whom such person ought to be brought under section 31, or aids or attempts to aid such person in going to a depôt or in leaving any such local limits, before he has been so registered,

or induces or attempts to induce any person who has been so registered to proceed to any place other than the depôt which has been established by the contractor on whose behalf such recruiter is licensed, or conveys or attempts to convey him to such place,

shall be punished in respect of every such person with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

148. Whoever, being a recruiter or a person deputed by him to accompany labourers to a depôt, fails to provide any labourer or any dependent whom he accompanies on the journey to the depôt with proper Recruiter not supplying proper food, etc.

and

and sufficient food and lodging, or otherwise ill-treats such labourer or dependent on such journey, shall be punished with fine which may extend to fifty rupees; and, in default of payment of such fine within twenty-four hours, with imprisonment for a term which may extend to one month.

The convicting Magistrate may award the whole or any portion of any fine levied under this section as compensation to the labourer in respect of whom, or of whose dependent, such failure or ill-treatment has occurred.

Labourer refusing without reasonable cause to execute contract at depôt.

149. Any labourer engaged by a recruiter and who, having been registered under section 32, without reasonable cause refuses or neglects when at the depôt to execute, within thirty days after his arrival at such depôt, a labour-contract in conformity with the terms made known to him when he was registered, shall be punished with fine which may extend to the amount of the expense incurred in registering him and conveying him to the depôt and maintaining him therein; and, in default of payment of such fine, with imprisonment for a term which may extend to one month.

Any labourer so punished may be forthwith discharged from the depôt.

Every fine levied under this section shall be paid to the contractor, sub-contractor or recruiter by whom such expense was incurred.

Labourer refusing to execute contract with garden-sardar.

150. Any labourer registered under section 66 who, without reasonable cause, refuses or neglects to execute, within fifteen days from the day on which he was so registered, a labour-contract in conformity with the terms made known to him when he was registered, shall be punished with fine which may extend to twenty rupees or to the amount of the expense reasonably incurred by the garden-sardar in procuring his registration, whichever amount is least.

Every fine levied under this section shall be paid to the garden-sardar by whom such expense was incurred.

[a]151. Whoever, being a garden-sardar, fails, within fourteen days after his arrival in the local area within which he is authorized to enter into contracts under this Act, to report himself to the local agent (if any) specified in his certificate, or

Garden-sardar failing to report himself, etc.

fails without sufficient cause to return to his employer within the time specified in his certificate, or

fails to account for the money advanced to him by his employer for the purpose of engaging labourers, and

whoever, being a garden-sardar or a person appointed under section 50 or section 73 to accompany labourers to a labour-district, wilfully abandons any labourer or his dependent on the way to such district, or

removes or attempts to remove any person to a labour-district before he has been registered as provided by section 66, or

induces or attempts to induce any person to go to a labour-district or to leave the local area specified in the certificate of such sardar before he has been so registered, or aids or attempts to aid him in proceeding to a labour-district or in leaving any such local area before he has been so registered,

shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

[b]152. Any garden-sardar who makes over to any contractor, sub-contractor or recruiter, or to the garden-sardar or local agent of any employer other than the employer by whom his certificate was granted

Garden-sardar making over labourers to contractors, or committing like offences.

[a] This section was substituted for the original s. 151 by Act VII of 1893, s. 27.

[b] This section was substituted for the original s. 152 by Act VII of 1893, s. 28.

ed or, without authority from his employer, to any other person, any persons whom he has engaged or intends to engage as labourers, or

places any such person in a contractor's depôt or in the place of accommodation provided by a recruiter in accordance with the provisions of section 27, or

allows any persons engaged as labourers by any contractor or sub-contractor or recruiter to share the accommodation provided by him under section 57,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both, and his certificate may be impounded by the convicting Magistrate.

Any Magistrate impounding a certificate under this section shall send it for cancellation to the Magistrate by whom it was countersigned.

Garden-sardar failing to comply with instructions endorsed on way-bill.

153. Any garden-sardar or person appointed by him as provided by section 73, who accompanies labourers to the labour-districts, and fails to present a way-bill as required by section 76, or to carry out any of the instructions entered in such way-bill, shall be punished with fine which may extend to twenty rupees.

Master receiving native passengers on board in contravention of Act.

154. Any master not licensed under section 89 who, in contravention of section 87, knowingly receives on board his vessel more than twenty passengers being natives of India, and

any master licensed as aforesaid who knowingly receives on board his vessel any such passengers in excess of the number specified in his license or in any order of an Embarkation Agent under section 91 for the purpose of transporting them to a labour-district,

shall be punished with fine which may extend to two hundred rupees for each passenger so received.

Nothing

Nothing in this section applies to the master of a vessel exempted under section 87.

Fraudulent alteration of vessel after grant of license.

155. Any master licensed under section 89 who with intent to defraud does or suffers to be done any act or thing whereby the state of his vessel is altered, so that such vessel is unfit for the accommodation of the number of passengers specified in his license or in any order made under section 91 by an Embarkation Agent, shall be punished with fine which may extend to two hundred rupees.

Master not complying with section 94

156. Any master licensed as aforesaid who proceeds on his voyage with his vessel carrying labourers without having complied with the provisions of section 94 shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months.

Master not complying with order under section 96.

157. Any master licensed as aforesaid who fails to comply with an order of an Embarkation Agent made under section 96 shall be punished with fine which may extend to two hundred rupees for each day during which he fails to comply with such order after the day on which the order was received by him.

Master permitting labourer to leave vessel contrary to section 98.

158. Any master licensed as aforesaid causing or permitting a labourer finally to leave his vessel contrary to the provisions of section 98 shall be punished with fine which may extend to two hundred rupees for each labourer so leaving his vessel.

Master wilfully omitting to stop vessel at certain places.

159. Any master licensed as aforesaid who wilfully omits to comply with the provisions of section 99 shall be punished with fine which may extend to two hundred rupees.

Person disobeying Magistrate's order as to communication between vessel and land.

160. Any person who disobeys any order made under section 101 by a Magistrate shall be punished with fine which may extend to two hundred rupees.

Master or medical

161. Any master licensed as aforesaid, or any medical

Officer disobeying or neglecting to enforce rules.

medical officer in charge of his vessel, who wilfully omits or neglects to obey or enforce on board of such vessel any provision of this Act or any rule made hereunder shall be punished with fine which may extend to two hundred rupees.

Labourer deserting, etc., after registration.

162. Any labourer who, having been registered under section 32 or section 66, deserts while on his journey from the district in which he has been so registered to a labour-district, or

without reasonable cause refuses or neglects to proceed from the district in which he has been so registered, or to embark in any vessel when called upon to do so by an Embarkation Agent,

shall be punished with imprisonment for a term which may extend to three months.

Employer refusing or omitting to keep registers, etc.

163. Any employer who refuses or wilfully omits to keep such registers or to make such periodical returns in writing to the Inspector as may be prescribed by any rule made hereunder, or who knowingly keeps an incorrect register or makes an incorrect return, or who wilfully omits to prepare, file or stick up a schedule as required by section 115, shall be punished with fine which may extend to two hundred rupees.

Employer or other person obstructing inspection under section 114.

164. Any employer, or any person acting under his orders or on his behalf, who wilfully obstructs any entry, inspection or inquiry, [a]or omits to comply with any requisition[a] made under section 114, shall for every such offence be punished with fine which may extend to two hundred rupees.

Employer or other person compelling labourer to perform labour for which he is unfit.

165. Any employer, or any person acting under his orders or on his behalf, who compels any labourer to perform any labour knowing that he is at the time unfit to perform such labour, shall be punished with fine which may extend to two hundred rupees.

Persons buying labourers' rations.

166. Any person who buys the rations which have been furnished under section 125 to any labourer, and any

[a-a] These words were inserted by Act VII of 1893, s. 29.

any labourer who sells any such rations, shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

Employer omitting to provide house-accommodation, etc.

167. Any employer who wilfully omits to provide house-accommodation, water-supply, sanitary arrangements, food-grains or rations in accordance with the provisions of this Act or any rule made hereunder shall be punished with fine which may extend to five hundred rupees; and the convicting Magistrate may order him to comply with such provisions within a reasonable time to be fixed in the order.

If the employer wilfully omits to comply with such order within the time so fixed, he shall be punished with fine which may extend to one hundred rupees for each day during which such omission continues.

If the employer fails to pay the last-mentioned fine, the person on whose account he has been acting shall be liable to pay such fine.

Employer neglecting to provide hospital-accommodation.

168. Any employer who fails to provide such hospital-accommodation for, or to make such provision for the medical care and treatment of, labourers, as is required by any rule made under this Act, shall be punished with fine which may extend to two hundred rupees for each week during which such default continues.

Employer causing labourer to reside on estate declared unfit.

169. Where any estate or portion thereof has been found under section 129, or declared under section 132, unfit for the residence of labourers or any class of labourers, as the case may be, every employer who, until a certificate has been given under section 133, causes or permits such labourers or class of labourers to reside or labour upon such estate or portion shall be punished with fine which may extend to two hundred rupees.

Unlawful absence from work.

170. Every employer may, on or before the fifteenth day of each month, send to the Inspector a statement

statement in writing containing the names of all or any of his labourers who, voluntarily and without reasonable cause, absented themselves from labour during the preceding month, and specifying the periods of such absence. When any employer sends any such statement in writing, he shall at the same time notify to each labourer concerned the fact that he has done so.

Any Inspector who receives any such statement shall, [a]if the employer so desires,[a] when next visiting the estate on which the labourers to whom such statement relates are employed, inquire into each such case of absence, in the presence of the labourer concerned, and, if satisfied that the labourer has voluntarily and without reasonable cause absented himself, shall, unless the labourer consents to forfeit to his employer the sum of four annas for each such day of absence, endorse such days of absence on the labour-contract of such labourer, and add them to the term of such contract.

[b]The Inspector may also, at any time other than that of his visit to the estate on the application of either the employer or the labourer, after due inquiry, endorse such days of absence on, and add them to the term of, the labour-contract: Provided that an employer who omits to apply for the endorsement of such days on any labourer's labour-contract when the Inspector is actually visiting the estate shall be debarred, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, from applying afterwards for such endorsement so far as days of absence reported in statements sent to the Inspector previous to the date of his last visit are concerned.[b]

Labourer absent without cause.

171. Any labourer who, voluntarily and without reasonable cause, absents himself from his labour for more

[a-a] These words were inserted by Act VII of 1893, s. 30.
[b-b] This portion was added by Act VII of 1893, s. 30.

more than seven consecutive days, or for more than seven days in any one month, shall be liable to forfeit his wages for the period of such absence, and to pay to his employer a sum not exceeding four annas for each such day of absence, and shall also be liable to imprisonment for a term which may extend to fourteen days; and, in case such absence has extended to twenty days in any two consecutive months, to imprisonment for a term which may extend to one month.

Explanation.—Ill-treatment of such labourer by his employer, or failure of the employer to fulfil any condition of the labour-contract binding on the employer, is reasonable cause within the meaning of section 170 and this section.

Statement of deserters.

[a]**171A.** Every employer may, on or before the fifteenth day of each month, send to the Inspector a statement in writing in such form as the Local Government may prescribe containing the names of all or any of his labourers who have deserted from his service during the preceding month, or who, having deserted at any previous time, have been absent during the preceding month, or who, having deserted during the month or previously, have been arrested or have returned to his service during the preceding month.

Deserter may be apprehended without warrant.

172. If any labourer deserts from his employer's service, such employer, or any person acting on his behalf, may, without a warrant and without the assistance of any police-officer, arrest such labourer wherever he may be found: Provided that, if such labourer be found within five miles of the place where a Magistrate resides or in the service of another employer, he shall not be arrested without warrant.

Every police-officer shall assist in arresting any such labourer if so required by the employer or person acting on his behalf.

Whoever

[a] S. 171A was inserted by Act VII of 1893, s. 31.

Whoever arrests a labourer under this section shall without delay take him to the police-station nearest to the place of the arrest ; and if he fails to do so shall be punished with fine which may extend to two hundred rupees.

Procedure at police-station.

[a]173. The police-officer in charge of such station shall, on the appearance of the parties, take down in writing the statements of the labourer arrested and of the person arresting the labourer.

If the labourer admits the contract and does not claim to be forwarded to a Magistrate, the police-officer may permit the person arresting the labourer to convey him to the estate on which he is under contract to labour, and shall then transmit the statements recorded and a report of his proceedings to the Magistrate within the local limits of whose jurisdiction the police-station is situated.

If the labourer does not admit the contract or claims to be forwarded to the Magistrate, or if, for any reason, it appears to the police-officer desirable that he should be so forwarded, the police-officer shall forthwith send such labourer, together with the statements recorded as aforesaid and a report of his proceedings, to the Magistrate within the local limits of whose jurisdiction the police-station is situated.

If the estate on which the labourer is under contract to labour is not situate within the local limits of the jurisdiction of the Magistrate referred to in the last two preceding paragraphs, such Magistrate shall forward the statements and report received by him from the police to the Magistrate within the local limits of whose jurisdiction such estate is situate. He shall also, when the labourer has been sent to him by the police, either forward the labourer to, or take security for his appearance before, such Magistrate.

On

[a] This section was substituted for the original s. 173 by Act VII of 1893, s. 32.

On receipt of such statements and report, the Magistrate within the local limits of whose jurisdiction such estate lies may, after making such inquiry as he considers desirable into the case, pass such order in accordance with law as he thinks proper. For the purpose of any such inquiry such Magistrate may, if he thinks fit, in any case in which the labourer arrested has not been sent to, or appeared before, him, require the labourer to appear before him.

Procedure on complaint of desertion.

174. Whenever an employer or a person acting on his behalf complains to a Magistrate that a labourer has deserted from his employer's service, such Magistrate may, without previously examining the complainant, issue a summons for the attendance of such labourer, or a warrant for his arrest, and fix a day for hearing the complaint.

Punishment for desertion.

175. Every labourer who deserts from his employer's service shall be punished with imprisonment for a term which may extend to one month [a]or with fine which may extend to twenty rupees, or with both[a]. For a second conviction for a like offence he shall be punished with imprisonment for a term which may extend to two months, [b]or with fine which may extend to fifty rupees, or with both[b]. For a third and every subsequent conviction for a like offence he shall be punished with imprisonment for a term which may extend to three months, [c]or with fine which may extend to one hundred rupees, or with both[c].

Compensation for wrongful arrest.

176. If it appears to the Magistrate trying a labourer for deserting from his employer's service that such labourer was arrested without sufficient cause, such Magistrate may impose a fine, which may extend to fifty rupees, on the employer or person acting on his behalf by whom, or at whose instance, such labourer was arrested. The Magistrate may in his sentence direct that the whole or any part of such fine

[a-a, b-b, c-c] These words were added by Act VII of 1893, s. 33, clauses (*a*), (*b*) and (*c*), respectively.

fine be paid by way of compensation to the labourer so arrested.

Cancellation of contract by desertion.

177. Whenever any labourer has actually suffered imprisonment for terms amounting in the whole to six months for desertion from his employer's service, the Inspector shall cancel the labour-contract of such labourer, and shall endorse on his copy of the contract a certificate of such cancellation; or, if such copy be not forthcoming, he shall give to the labourer a written certificate of such cancellation.

Penalty for drunkenness or neglect of sanitary regulations.

178. Any labourer guilty of habitual drunkenness, or wilfully disregarding any sanitary regulation approved by the Inspector and duly notified for the guidance of the labourers on the estate on which such labourer is employed, shall be punished with fine which may extend to five rupees, or with imprisonment for a term which may extend to one week.

Portion of sentence may be cancelled on application of employer.

179. The employer of any labourer sentenced to imprisonment for any offence under this Act, or any person authorized to act in this behalf for such employer, may apply to the Magistrate, at any time previous to the expiry of such sentence, that such labourer be made over to him for the purpose of completing his labour-contract. On such application being made the Magistrate may, if he thinks fit, order that such labourer be made over or forwarded to his employer;

and in that case such Magistrate shall cancel the remainder of the sentence passed on the labourer, and shall endorse on his copy of the labour-contract a certificate of such cancellation, or, if such copy be not forthcoming, shall give him a written certificate of such cancellation.

Nothing in this section shall be deemed to affect the provisions of section 177.

Expense of forwarding labourer to be paid by employer.

180. Every employer who obtains an order of a Magistrate for the making over or forwarding of any labourer shall be liable to defray the expense (if any) incurred in such making over or forwarding; and shall

shall, before the order is issued, deposit with the Magistrate a sum sufficient in the Magistrate's opinion to defray such expense.

Conviction not to operate as a release.

181. On the expiry of any sentence of imprisonment for any offence under this Act, the Magistrate shall, subject to the provisions of section 177, make over such labourer to any person appointed on the part of his employer to take charge of him; and no conviction under this Act or imprisonment under such conviction shall, save as aforesaid, operate as a release to any labourer from the terms of his labour-contract.

If no person is present on the part of the employer to take charge of the labourer at the expiry of his sentence, the Magistrate shall forward such labourer to the principal place of business of his employer situate within the local limits of such Magistrate's jurisdiction, and the expense of such forwarding shall be recoverable from such employer as if it were an arrear of land-revenue.

Endorsement on contract of period of unlawful absence or imprisonment for offence against Act.

[a]**182.** When any labourer is convicted under section 171 of absence from labour or is sentenced to imprisonment for an offence under this Act, the Magistrate so convicting or sentencing him shall endorse on the employer's copy of the labour-contract the period during which such labourer is convicted under the section aforesaid of being absent from his labour or the term for which he is sentenced to imprisonment, or both, as the case may be.

Endorsement on contract of period of desertion or imprisonment for desertion.

[a]**182A.** When any labourer is convicted under section 175 of desertion from his employer's service, the Magistrate convicting him shall, on the application of the employer or his agent, endorse on the employer's copy of the labour-contract (in addition to the term of imprisonment to which the labourer may be sentenced for such desertion), the period during which

[a] The sections 182 to 182C here printed were substituted for the original s. 182 by Act VII of 1893, s. 34.

which the Magistrate finds that the labourer was absent from his labour in contravention of his contract owing to such desertion:

Provided that no such endorsement shall be made in any case in which the labour-contract has been cancelled under the provisions of section 177 or in any case in which the original term of the labour-contract has expired on the date of the conviction, and more than three years have elapsed from the date of the labourer's desertion to that of his arrest:

Provided also that the employer has duly reported the particulars of the desertion in the monthly statement provided for in section 171A.

Endorsement on contract of period of any other imprisonment.

[*]**182B.** When any labourer is sentenced to imprisonment for any time not exceeding three years for any offence other than an offence under this Act, the Court or Magistrate so sentencing him shall, if the employer or his agent shall so request, endorse on the employer's copy of the labour-contract the period for which the labourer is sentenced to imprisonment, or, if such period exceeds the unexpired term of the labour-contract on the date of the sentence, so much of such period as is equal to such unexpired term.

Periods endorsed to be added to term of contract.

[*]**182C.** The periods endorsed under the three last preceding sections shall be added to the term for which the labourer contracted to serve; and such labourer shall not be deemed to have performed his labour-contract till he has served for the term specified therein in addition to the periods so endorsed.

Other person enticing away, harbouring or employing labourer under labour-contract.

183. Whoever, knowing that any labourer is bound by his labour-contract to labour for any employer, voluntarily entices or attempts to entice such labourer to leave such employer, or harbours or employs any such labourer who has, in contravention of the terms of his labour-contract, left his employer, shall be punished with fine which may extend to two hundred

[*] See foot-note on p 89, *supra*.

hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

The convicting Magistrate may in his discretion award to the employer with whom such labourer has contracted the whole or any part of any fine levied under this section.

[a] **183A.** Whoever, being bound under section 111 to forward any labour-contract to the Inspector, or under section 111B to cause any labourer to appear before the Inspector or Magistrate, wilfully omits or neglects so to forward such labour-contract to the Inspector at or within the time specified, or to cause such labourer to appear before the Inspector or Magistrate, within a reasonable time, shall be punished with fine which may extend to two hundred rupees.

Failure to forward contract under section 111 or to cause labourer to appear under section 111B.

184. Whoever, being bound by section 134 to send any labourer before, or to give notice of any complaint to, an Inspector or Magistrate, refuses or neglects so to send such labourer, or to give such notice, shall be punished with fine which may extend to two hundred rupees.

Employer or other person neglecting to send labourer before Magistrate as provided by section 134.

185. Any employer who—

refuses or wilfully neglects to endorse the labourer's copy of his contract as required by section 141, or

detains a labourer after the determination of his labour-contract, or

fails to give to the Inspector notice in writing of such determination within one month of the date thereof,

shall be punished with fine which may extend to two hundred rupees.

Employer refusing to endorse labour-contract, etc., as required by section 141.

186. Any employer or person acting for an employer who refuses or neglects to comply with the request of a labourer made under section 142 shall be punished

Employer or other person neglecting to comply

[a] S. 183A was inserted by Act VII of 1893, s. 35.

with request of labourer wishing to redeem unexpired term.

punished with fine which may extend to two hundred rupees.

Abetment.

187. Whoever abets within the meaning of the Indian Penal Code [*] any offence against this Act or any rule made hereunder shall be punished with the punishment provided for such offence. XLV of 1860.

Place of trial for offences.

188. Whoever commits any offence against this Act or any rule made hereunder shall be triable for such offence in any place in which he may be found as well as in any other place in which he might be tried under any law for the time being in force.

Saving of prosecutions under other laws.

189. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made hereunder, or from being liable under any other law to any penalty higher than that provided by this Act for such offence: Provided that no person shall be punished twice for the same offence.

CHAPTER IX.

MISCELLANEOUS.

Wages due under labour-contract a charge upon estate.

190. All arrears of wages due under any labour-contract shall be a charge upon the estate upon which the labourer to whom such labour-contract relates has been engaged to labour; or, if he has engaged to labour upon any one of several estates managed by the same employer, shall be a charge upon that one of such estates upon which such labourer for the time being actually labours.

191. Whenever

[*] See Act XLV of 1860, Chap. V. (For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.)

Owner of estate for time being has all rights and remedies in respect of labour-contracts charged on it.

191. Whenever an estate on which any labourer has under this Act contracted to labour is transferred by act of parties or operation of law, or devolves, the person to whom it is so transferred or on whom it devolves shall be bound by the labour-contract of such labourer in the same manner and to the same extent as the person by or from whom it is transferred or devolves would have been bound by such contract, and shall have the same rights and remedies under such contract as such person would have had thereunder, if the estate had not been transferred or had not devolved.

Determination of ownership determines liability.

No person who has ceased to be the owner of the estate upon which any labourer has under this Act contracted to labour shall be liable in respect of any breach of the labour-contract of such labourer which occurs after he has ceased to be such owner.

Fines, fees and rates to be credited to "Inland Labour Transport Fund."

X of 1882.

192. Subject to the power of a Magistrate under this Act or the Code of Criminal Procedure, 1882, [a] to award fines in whole or in part as compensation to or for the benefit of any complainant or other person, the Local Government shall credit all fines, fees and rates levied and paid under this Act in the territories under its administration to a fund which shall be called the "Inland Labour Transport Fund;" and such fund shall be at the disposal of such Local Government, in such manner as the Government of India may direct, for paying the salaries and allowances of all officers and establishments appointed under this Act by such Local Government and their pensionary and leave-allowances, [b] for meeting the cost of sending labourers and other persons back to their native districts, [b] and generally for defraying the expenses of carrying out the purposes of this Act and the rules of the Local Government made hereunder. The annual surplus accruing in such fund shall

[a] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

[b-b] These words were inserted by Act VII of 1893, s. 36.

shall be applied to reducing the annual rate or the registration-fees leviable under this Act, and not otherwise.

193. [*Expenditure on roads legalized.*] *Repealed by Act XII of 1891.*

Duty of Assistant Inspector.

194. An Assistant Inspector shall perform all such duties and exercise all such powers of an Inspector as he is authorized in writing by the Inspector to perform or exercise.

Powers of of Local Government and officers exercisable from time to time.

195. All powers conferred by this Act on the Local Government or on any Superintendent, Medical Inspector, Emigration Agent or other officer, may be exercised from time to time as occasion requires.

THE SCHEDULE.

(*See section 9.*)

Form of Labour-contract between Labourer and Employer.

This contract, made under the Inland Emigration Act, 1882,[a] between *A B* (hereinafter called *the labourer*) of the one part, and* [*C D* (*agent* or *local agent* or *garden-sardar*) on behalf of] *E F* (hereinafter called *the employer*) on the other part, witnesseth that the said* [*agent* or *local agent* or *garden-sardar* on behalf of the said] employer doth hereby promise the said labourer that if he, the said labourer, do remain and labour† on the $\frac{\text{X estate}}{\text{Y estates}}$ ‡ of his said employer in the labour-district of for the term of years from the date of the execution of this contract, he, the said employer, will, from the date on which the said labourer commences to labour on such $\frac{\text{estate}}{\text{estates}}$, pay or cause to be paid to the said labourer monthly wages at the rate of Rs. § for a completed daily task regulated in accordance with the provisions of the said Act, and when such task is not completed, monthly wages calculated at the same rate in proportion to the amount of work actually done, and that during such period he, the said employer, will supply to the said labourer rice at a price of Rs. per maund, and will faithfully comply

*Parts in brackets to be omitted if the contract is made without the intervention of an agent, local agent or garden-sardar

† [b]State nature of labour, if the labourer is to be required to work under the ground [b]

‡As the case may be.

§State rates for various periods of contract.

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[a] Now the Assam Labour and Emigration Act, 1882—see s. 1, *supra*.

[b-b] This note was inserted by Act VII of 1893, s. 37 (*1*).

comply with all rules regarding house-accommodation, medical treatment and the supply of food-grains or rations to the said labourer, which the Local Government may from time to time prescribe; and this contract further witnesseth that the said labourer doth hereby, in consideration of the aforesaid promise, agree so to remain and labour for the said employer. In witness whereof the said parties to these presents have hereunto set their hands at this day of 18

Signature of Labourer and of Employer (or of his Agent, Local Agent or Garden-sardar).

Form of Description of Labourer.

NAME.	Father's name.	Age.	Sex.	Caste.	RESIDING.			Descriptive marks.
					District.	Thana.	Village.	

[*Endorsem ent*

[a][*Endorsement to be filled up by Registering-officer before whom the contract is executed.*]

I hereby certify that, before the said *A B* signed this contract, I personally explained it to him.

Dated at
This day of } Signed _____
Registering-officer or Inspector or Magistrate.

[*Endorsements on labourer's copy of contract to be filled up when the contract is determined or cancelled*]

I hereby certify that the foregoing contract has been determined by effluxion of time.

_____

Dated at
This day of } *Signature of Employer or Inspector.*

I hereby certify that the foregoing contract has been cancelled under the provisions of section of Act .

_____

Dated at
This day of } *Signature of Inspector or Magistrate*[a].

[a-a] These Endorsements were substituted for the original Endorsements by Act VII of 1893, s. 37 (2).

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